

Report Title	PLANNING APPLICATIONS
Meeting	NELSON, BRIERFIELD & REEDLEY COMMITTEE
Meeting Date	1ST SEPTEMBER 2025
Report Author	NEIL WATSON
Directorate	PLACE
Lead Executive Member(s)	COUNCILLOR L. WHIPP
Wards Affected	BRIERFIELD EAST & CLOVER HILL, WHITEFIELD & WALVERDEN
Public. Part Exempt, or Fully Exempt	PUBLIC
Appendices (if any)	NONE

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 01ST SEPTEMBER 2025

Application Ref: 25/0374/HHO
Proposal: Full: Erection of a single storey rear extension.
At 1 Brier Crescent, Nelson, Lancashire, BB9 0QD
On behalf of: M. Akhtar
Date Registered: 09.06.2025
Expiry Date: 31.07.2025
Case Officer: Negin Sadeghi

This application has been called in by a Councillor.

Site Description and Proposal

The application relates to a two-storey end-terraced dwelling located within the defined settlement boundary of Nelson. The property features a pitched roof and is set back approximately 5–6m from Brier Crescent, with space to park two vehicles to the front. The site benefits from a long rear garden, bounded by 1.8–2m fencing, with the rear boundary adjoining several properties on Hill Place, which lie at a different orientation and are screened by a 1m boundary wall.

The retrospective application seeks consent for a single-storey rear extension (used as a kitchen) that has already been constructed.

Relevant Planning History

20/0791/HHO, DC: REF: Full: Erection of single storey extension to rear.

PLE/24/1184, EN: NOTICE: Enforcement Enquiry.

Consultee Response

Highways

Having reviewed the documents submitted, Lancashire County Council acting as the local highway authority does not raise an objection regarding this retrospective development.

Parish/Town Council: No answer

Public Response

Letters were sent to neighbouring properties. One representation was received, objecting on the following grounds:

1. Procedural Concerns

- The application fails to declare that it is retrospective in nature.
- The extension was constructed following refusal of the earlier application.

- It is incorrectly claimed in the submitted Design & Access Statement that the structure existed prior to the applicant's ownership. Land Registry data confirms the property was acquired on 10 June 2021, and the extension was built after this date and after the refusal.

2. Inaccuracies in Submission

- The application states the new plans are reduced in scale compared to the refused scheme, which is incorrect. Both the plans and physical dimensions are identical.

3. Impact on Residential Amenity

- The extension causes overbearing impact on the rear ground-floor window of No. 3 Brier Crescent, which serves a habitable kitchen/dining room.
- The extension significantly reduces natural light, especially in winter, and obstructs long-range countryside views. The kitchen/diner has become uninhabitable due to loss of sunlight and internal temperature drop.

4. Policy Conflict

- The impacts cited align with the original reasons for refusal under Paragraph 127(f) of the NPPF and Policy ENV2 of the Local Plan: Part 1 Core Strategy.

5. Enforcement and Intent

- The structure was built in disregard of the Council's refusal, seemingly to avoid enforcement within the four-year immunity period.
- A request has been made for the application to be refused and enforcement action taken to restore residential amenity at No. 3.

Relevant Planning Policy

National Planning Policy Framework (NPPF): Paragraph 127(f) – Ensuring developments create places with a high standard of amenity for existing and future users.

Pendle Local Plan: Part 1 Core Strategy (2011–2030):

- Policy ENV2 – Achieving quality in design and amenity.

Officer Comments

Design and Appearance

The extension, measuring approximately 4.2m in length, 4m in width and 3m in height with a flat roof, has been constructed with pebble-dashed walls and white uPVC fenestration to match the host dwelling. While the materials and form are generally sympathetic in appearance and the structure is not visible from public vantage points, design compatibility alone does not outweigh amenity considerations.

Amenity Impact

The extension is at the rear and it is not visible from any public street. It has one door and window at the rear wall facing the host's garden and doesn't make any privacy or overlooking issue.

The neighbouring dwellings to the rear (Hill Place) are screened and sufficiently distanced such that no harm arises in that direction. There are no side windows in the extension and therefore no overlooking concerns.

The extension lies immediately adjacent to the party wall with No. 3 Brier Crescent, which has an existing single-storey conservatory. The cumulative projection results in overbearing relationship to the rear-facing dining room/kitchen window of No. 3. Given the northeast orientation, the flat roof structure materially impacts on the amenity of the occupants of the adjoining property. It is noted that the extension is broadly in line with the length situated in the Design SPD but the specific relationship with the adjoining property and the tunnelling impact created offsets that design guidance.

Application 20/0791/HHO proposed a similar design ed and located extension which was refused by the Council. With no change in planning circumstances, it would be irrational to now approve what is effectively the same design.

The identified adverse impact aligns with the previous reason for refusal and continues to present an unacceptable level of harm.

Other Matters

The agent argues that the extension could have qualified under the larger home extension prior approval process permitted under Class A.1(g) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, as this is a retrospective application, the development cannot be regularised through the Prior Approval route. It is also noted that any objection to a larger homes extension triggers a requirement for the Local Planning Authority to consider impacts on amenity. The extension would not therefore have qualified under the LHE route as there has been an objection.

While national policy does support flexible and adaptable homes, this does not override the amenity harm resulting from a particular development.

Conclusion

The extension, by virtue of its siting and scale in close proximity to the boundary with No. 3 Brier Crescent and its relationship with the neighbouring conservatory, results in an unacceptable overbearing and overshadowing impact to a habitable room. The development is contrary to Paragraph 127(f) of the NPPF and Policy ENV2 of the Local Plan.

The retrospective nature of the application, following an earlier refusal for the same scheme, further compounds concern regarding disregard for the planning process. The development remains materially harmful and cannot be supported.

Recommendation: Refuse

Reason for Refusal:

1. By virtue of its depth and proximity to the boundary with the neighbouring dwelling (No. 3 Brier Crescent) and taking into account the neighbouring property's existing rear extension, the development results in a harmful overbearing effect to a ground floor habitable room window. This causes an unacceptable loss of natural light and outlook, to the detriment of residential amenity, and is contrary to Paragraph 135(f) of the National Planning Policy Framework (2023) and Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011–2030).

Application Ref: 25/0374/HHO
Proposal: Full: Erection of a single storey rear extension.
At 1 Brier Crescent, Nelson, Lancashire, BB9 0QD
On behalf of: M. Akhtar

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 01ST SEPTEMBER 2025

Application Ref: 25/0425/HHO

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

At 60 Larch Street, Nelson, Lancashire

On behalf of: Mr Ahmed

Date Registered: 25.06.2025

Expiry Date: 24.07.2025

Case Officer: Luke Jones

Site Description and Proposal

The application site relates to a mid-terrace dwelling situated within the defined settlement boundary of Nelson. The main access is from Larch Street. The original dwelling has stone walls, a pitched roof of slate tiles and UPVC doors and windows.

The proposed development is the insertion of a pitched roof front dormer and a flat roof rear dormer to the roof slopes, and a single storey rear extension.

Relevant Planning History

N/A

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).

The proposed development would increase the number of bedrooms from two to four. There is no associated off-road parking, nor can any be provided. The property is located within an area of terraced housing where there is a high demand for limited on-road parking. Whilst this raises concerns, as the increased demand for on-road 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 as outlined in the NPPF. The highway authority also notes that the site is within acceptable walking distance of local amenities and facilities including public transport on Netherfield Road, which may reduce the reliance on the use of private vehicles.

Parish/Town Council

No response

Public Response

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

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

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

Officer Comments

The proposed development is in a residential area situated within the settlement boundary of Nelson. There are no underlying policies which would prevent the development in principle. The principal material considerations for the application are as follows:

Design and Materials

The Design Principles SPD advises care should be exercised with the insertions of dormers, to ensure that their design is in keeping with the dwelling and that they do not overlook neighbouring property. In general, dormers on the front of a roof slope will not be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace block or street frontage) or the dormer would otherwise be appropriate in visual design terms. The front wall of a dormer should normally be set back at least 1m from the front elevation and 0.5m from either side, to prevent it having an overbearing effect on the street scene and adjoining properties.

The proposal is for a pitched roof front dormer and a flat roof rear dormer on the roof slopes. Both dormers would be set back from the respective front and back elevations by less than 1m and less than 0.5m from either side. The dormers would dominate the entire roof slope of the dwelling and would have a harmful effect upon the character and appearance of the original dwelling. To the front elevation, this also has a wider effect on the street scene in a terrace which has a simple and

uninterrupted roof line especially since dormers are not a characteristic feature of the locality. The proposed dormers are to be natural slate cladding with UPVC windows and a single ply EPDM membrane roof. Whilst to the rear a dormer would not be an unacceptable impact upon the visual amenity of the area, the front dormer would cause harm to the character and appearance of the original dwelling and have a wider impact on visual amenity.

The proposal also includes the erection of a single storey rear extension with a flat roof. Taking into account its position to the rear the design and materials are acceptable.

Residential Amenity

The Design Principles SPD advises that single storey rear extensions located immediately adjacent to the party boundary with a neighbouring property will normally be acceptable if they do not project more than 4m from the rear elevation of the existing dwelling.

The proposed extension would project 2.5m and therefore would accord with the guidance of the Design Principles SPD and would not result in an overbearing impact on the adjoining dwellings.

The proposed dormers would face habitable room windows to the front and rear. The building already has a relationship of first floor windows to the rear elevations facing the other properties to the rear and the proposed dormer window would be no closer than these existing windows. The proposed single storey rear extension would extend the rear elevation by 2.5m, although only on the ground level, by which the existing dwelling is bordered by an exterior wall. Taking into account this and that it is a ground floor relationship across a public highway the proposed extension would not result in any unacceptable privacy impact.

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: Strategy and Adopted Pendle Design Principles SPD.

Highways

The development would increase the number of bedrooms at the property from two to four. This would increase the maximum parking requirement from two spaces to three spaces. The site has no off-street car parking provision, however, taking into account that this is an area of terraced housing where that is characteristic this is acceptable.

RECOMMENDATION: Refuse

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

Application Ref: 25/0425/HHO

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

At 60 Larch Street, Nelson, Lancashire

On behalf of: Mr Ahmed

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 01ST SEPTEMBER 2025

Application Ref: 25/0464/HHO

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

At: 3 Spring Street, Nelson, Lancashire, BB9 7DL

On behalf of: Mr Jamshed Imran

Date Registered: 7/17/2025

Expiry Date: 9/11/2025

Case Officer: Neil Watson

Site Description and Proposal

Planning permission is sought to add dormer windows to the front and rear roof of the property. The dwelling lies in a traditional terraced street without other dormers in the vicinity. The dwelling is located in the Whitefield Conservation Area which is a designated heritage asset.

The street slopes sharply down towards a Victorian mill which frames the vista for the street.

The dormers proposed are pitched roof dormers that rise to the apex to just below the ridge of the buildings.

Relevant Planning History

The property has not been the subject of any recent relevant planning history.

Consultee Comments

LCC Highways:- The proposed development would increase the number of bedrooms from two to four, which is a significant increase in the potential number of occupants. 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 on road 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 as outlined by the NPPF. The highway authority also notes that the site is within acceptable walking distance of local amenities and facilities including public transport on Manchester Road, which may reduce the reliance on the use of private vehicles.

Nelson Town Council:- No observations received.

Public Response

Surrounding residents were individually notified and no responses have been received.

Planning Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) – Seeks a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) - Seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. States that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (Achieving Quality in Design and Conservation) - Identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. States that siting and design should be in scale and harmony with its surroundings.

National Planning Policy Framework (December 2024)

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 Sections of the Framework that are specifically relevant to this development are:-

Section 12 (Achieving Well Designed Places) – This seeks to ensure the creation of high quality, beautiful and sustainable buildings and places considering this aim as fundamental to what the planning and development process should achieve. It also advises that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

207 In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

210. In determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- (c) the desirability of new development making a positive contribution to local character and distinctiveness.

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Officer Comments

The application seeks to erect two dormers. These would face towards residential properties to the front and rear. Although there would be windows looking towards the windows of the houses to the front and rear there are already windows in site. The dormers would not create a more detrimental situation than already exists. There are no objections on privacy grounds.

The development would double the number of bedspaces. This will increase the demand for parking and there are no off street parking spaces available. Although there would be an increase in on street parking that would not in itself lead to a danger on the highway. There are no highway objections to the development.

The application seeks to erect dormers to the front and rear of the property. The house is a mid-terrace unit located towards the higher end of Spring Street. It has an intact roofscape on both sides of the street with chimneys and an unbroken roofscape down towards the stone mill which frames the street scene.

The application is accompanied by a heritage statement. That sets out to define the significance of the heritage asset. It however does not give enough effect to one of the main reasons for the significance of the heritage asset which is its intact street scene and the uniform pattern of development. That is one of the essential characteristics of the importance of the conservation area.

The submitted statement also indicates that the development has been selectively designed when in fact the development has not been.

The erection of a dormer is poor design in its location. It does not reflect any design character in the street scene and would look an ugly and very poorly designed element. It would significantly impact on the qualities of the conservation area that define its significance which is its intact uniform appearance and an intact street scene.

Whilst the harm to the conservation area is on the less than significant scale the harm on the less than significant scale is high. There is a duty under section 72 of the

The benefits associated with a dormer would be private benefits. The public benefit would be small in bringing work to a builder and a small impact on the material supply chain. The benefits would be significantly outweighed by the harm the development would have on the significance of the designated heritage asset.

Recommendation: Refuse

For the following reason:

The proposed front dormer window, because of its size, design, position and prominence, would unduly detract from the character and appearance of the host dwelling, from the appearance of the terrace as a whole and from the character of the surrounding area in general. As well as being poor design in itself it would also lead to unacceptable harm to the designated heritage assets that would not be outweighed by the small public benefits the development would bring. The proposal is therefore contrary to the requirements of Policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy, Section 16 of the National Planning Policy Framework and the provisions of the Design Principles Supplementary Planning Document.

Application Ref: 25/0464/HHO

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

At: 3 Spring Street, Nelson, Lancashire, BB9 7DL

On behalf of: Mr Jamshed Imran

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 1ST SEPTEMBER 2025

Application Ref: 25/0480/HHO

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

At: 35 Taylor Street, Brierfield, Lancashire, BB9 5RY

On behalf of: Mrs Mussarat Bano

Date Registered: 7/17/2025

Expiry Date: 9/11/2025

Case Officer: Neil Watson

Site Description and Proposal

The application site is a mid terraced property. It has a small extension to the rear. The house to the east nos 37 has a similar small extension which mirrors those of the dwellings either side. The site is circa 50cm higher than nos 33 and 50cm lower than nos 37. Number 33 has a blank wall facing the application site.

The application proposes to erect a pitched roof extension 5.29m long.

Relevant Planning History

No relevant planning history.

Consultee Response

LCC Highways; No objection.

EH: Concern about construction noise

Public Response

No comments received.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum. Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings. Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development. National Planning Policy Framework The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The

policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

Officer Comments

The application seeks to erect a single storey pitched roof extension to the rear of the dwelling. The issues revolve around the impact the development would have on design and the impact the development would have on the living conditions of the neighbours.

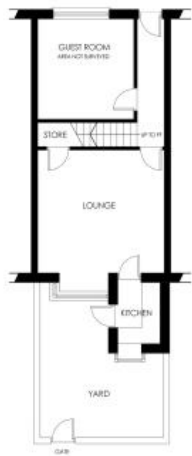
In terms of design the location is situated to the rear of a row of terraced properties. There is an array of different designs of extensions existing. The design of the proposed extension would fit acceptably in with the existing designs in terms of scale, design and visual impact.

The presence of the extension at number 33 means that there would be no direct impact on the windows of that property that are contained in the main wall. There is a window in the extension that would be affected by the rear portion of the new extension. That would be at less than 4m which is within the guidelines in the Council's adopted SPD. That relationship would be acceptable.

The extension would lie adjacent to the rear of number 37. There is a circa 0.5m lower floor height with the application site and number 37. The extension would however extend 5.29m from the rear wall. The Council's design SPD advises that extension of up to 4m would normally be acceptable where they impact on existing windows as this extension does. The length of the extension and its relationship with the window in the main wall of number 37 would result in an overbearing and unacceptable relationship with that property. That would be contrary to the guidelines in the adopted SPD. Notwithstanding the height difference there are no mitigating factors which would make that relationship acceptable.

RECOMMENDATION: Refuse

- 1 The proposed rear extension, measuring 5.29m in length, would have an overbearing impact on the occupants of 37 Taylor Street detrimentally affecting the living conditions of its occupants. As such, the development does not comply with Policy ENV1 of the Pendle Local Plan Part 1: Core Strategy and the adopted Design Principles Supplementary Planning Documents.



EXISTING GF PLAN - 1:100 at A3



PROPOSED GF PLAN [OPTION A] - 1:100 at A3



ILLUSTRATION OF PROPOSAL [OPTION A] - NTS - FOR INDICATIVE PURPOSES ONLY

ANM
ARCHITECT



Application Ref: 25/0480/HHO

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

At: 35 Taylor Street, Brierfield, Lancashire, BB9 5RY

On behalf of: Mrs Mussarat Bano

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 19th August 2025