

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 1.09.2025

Application Ref: 25/0245/FUL

Proposal: Full: Erection of a detached annex within the rear garden curtilage.

At 269 Barkerhouse Road, Nelson, Lancashire, BB9 9LT

On behalf of: Mr Lucas Dean

Date Registered: 16.04.2025

Expiry Date: 11.06.2025

Case Officer: Negin Sadeghi

The application is before committee due to the level of public objection.

Site Description and Proposal

The application site comprises a semi-detached, single-storey bungalow located within the settlement boundary of Nelson. The property is finished in white-rendered concrete blockwork under a pitched roof and includes UPVC fenestration. A long rear garden is located to the rear of the dwelling, and two off-street parking spaces are provided on a hardstanding at the front. The surrounding area is residential, comprising similar single-storey and two-storey dwellings.

Planning permission is sought for the erection of a detached outbuilding within the rear garden to be used as an annex. The building would measure approximately 10m by 6m and would provide two bedrooms, a lounge, kitchen, and bathroom. It would have a flat roof with an EPDM finish, rendered concrete blockwork elevations, and UPVC doors and windows.

Relevant Planning History

None

Consultee Response

Highways

No objection subject to conditions, including provision of parking for both the host dwelling and the annex, cycle storage, and restriction on independent use.

Initial concerns were raised regarding the lack of dedicated parking for the annex and the potential for independent occupation. However, the highway authority confirmed that the level of off-street parking for the existing dwelling is policy-compliant and, following submission of a parking survey, is satisfied that there is sufficient capacity on-street to accommodate visitor parking.

It is noted that the annex must be used in connection with the host dwelling only, and not as an independent unit. The following conditions are recommended:

- Provision and retention of one parking space per unit on the existing hardstanding, with associated manoeuvring space.

- Provision of secure cycle storage.
- Restriction of the annex to ancillary use only.

Parish/Town Council: No answer received.

Environment Services (Health)

No objection subject to a condition controlling construction hours.

We are concerned about noise nuisance during the construction phase, especially linked to working outside of reasonable hours, and would therefore like the hours of operation to be controlled and would suggest use of the condition below: Hour of Work – Operations No machinery shall be operated nor any process carried out at the site outside the periods between the hours of 08:00 and 18:00 on weekdays and 09:00 and 13:00 on Saturdays and there shall be no machinery operated or process carried out at all on Sundays, Bank or Public Holidays. Reason: To protect the amenities of occupiers of adjoining and nearby properties.

PBC engineering: No answer received.

United Utilities: No answer received.

Public Response

The nearest neighbours have been notified by letter, and several objections have been received. The key issues raised include:

- Loss of privacy and overlooking.
- Overdevelopment and visual dominance due to scale and proximity to boundaries.
- The annex appearing as a separate dwelling.
- Lack of clarity regarding the proposed use.
- Noise and disruption during construction.
- Potential damage to boundary treatments and impacts due to land level differences.
- Commencement of works before permission was granted.

A representation from a planning consultancy was also received in support of the application, highlighting the role of annexes in supporting multigenerational living, provided robust conditions prevent independent use.

Relevant Planning Policy

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

- Policy SDP1 promotes sustainable development in line with national guidance.
- Policy ENV1 requires development to minimise harm to the natural environment and be of a high design standard.
- Policy ENV2 encourages high-quality design that respects the character and setting of the area.

- Policy LIV5 (Designing Better Places to Live)

Replacement Pendle Local Plan (Saved Policies):

- Policy 13 (Quality and Design of New Development)
- Policy 31 sets out parking standards for new development.

National Planning Policy Framework (NPPF):

- Achieving well-designed places (Section 12)
- Promoting sustainable transport (Section 9)

Design Principles Supplementary Planning Document (SPD):

- Provides guidance on appropriate design for householder developments.

Officer Comments

Principle of Development

The principle of providing an annex in residential garden land is acceptable, subject to the annex remaining ancillary to the host dwelling and having no adverse impacts on residential or visual amenity.

It would not be within PD height limits and what they could do under PD would result in 2m height extension.

Design and residential amenity

The annex would be positioned within close proximity to all three garden boundaries—0.3m from the northern boundary, 1.1m from the southern, and 1.2m from the rear (eastern). While the flat-roofed design reduces bulk compared to a pitched roof, the combination of massing and siting would result in an unacceptable loss of privacy to the adjoining dwelling at No. 267 Barkerhouse Road.

Specifically, the proposed annex would allow direct views into a first-floor habitable room window within a dormer extension at No. 267, leading to significant overlooking. This loss of privacy would materially harm residential amenity, contrary to the separation and privacy guidance in the Design Principles SPD and the requirements of Policies ENV2 and 13.

In comparison, a structure built under permitted development would be lower and would not give rise to the same degree of overlooking.

To ensure no additional harm is caused, a condition restricting changes to ground levels or boundary treatments would be necessary, had the application been acceptable. This would be to protect privacy and prevent visual harm to neighbouring occupiers.

Highway and Parking

The existing dwelling benefits from two off-street parking spaces on the front hardstanding. The annex would not be provided with a separate parking area;

however, a parking survey has been submitted demonstrating some capacity for on-street parking in the vicinity.

Following review of this information, the highway authority has withdrawn its initial objection, subject to the annex being used solely in connection with the host dwelling. Conditions requiring retention of on-site parking and provision of cycle storage are considered necessary and reasonable in the interest of highway safety and sustainable travel.

I agree with the assessment and the proposal is acceptable in terms of highways.

Other Matters

Concerns have been raised by neighbours regarding early commencement of development. While such works would be unauthorised, they do not prejudice the determination of this application but may be subject to separate enforcement action if necessary.

Issues related to boundary structures and changes in land levels are noted but are considered civil matters between landowners and fall outside the planning system's remit.

Conclusion

While the general principle of an ancillary annex is acceptable, the specific siting and height of the proposed structure would result in unacceptable overlooking of a neighbouring habitable room window at No. 267, causing a significant loss of privacy. This harm is not outweighed by the benefits of the proposal.

The proposal fails to comply with Policies ENV2 and LIV5 of the Pendle Local Plan Part 1: Core Strategy (2011–2030), saved Policy 13 of the Replacement Pendle Local Plan, the Design Principles SPD, and Paragraph 135 of the National Planning Policy Framework.

Recommendation: Refusal

Refusal Reason:

1. The proposed detached annex, by virtue of its height, scale, and siting in close proximity to the northern boundary, would result in direct overlooking of a first-floor habitable room window at No. 267 Barkerhouse Road. This would cause an unacceptable loss of privacy to neighbouring occupiers and materially harm residential amenities. The development therefore conflicts with Policies ENV2 and LIV5 of the Pendle Local Plan Part 1: Core Strategy (2011–2030), saved Policy 13 of the Replacement Pendle Local Plan (2001–2016), the Design Principles Supplementary Planning Document, and Paragraph 135 of the National Planning Policy Framework (2023). It is also noted that a permitted development fallback would be approximately 0.4m lower and would be less harmful in terms of overlooking.