

Report Title	PLANNING APPLICATIONS
Meeting	DEVELOPMENT MANAGEMENT COMMITTEE
Meeting Date	16TH SEPTEMBER 2025
Report Author	NEIL WATSON
Directorate	PLACE
Lead Executive Member(s)	COUNCILLOR L. WHIPP
Wards Affected	MARSDEN & SOUTHFIELD, BRIERFIELD EAST & CLOVER HILL AND WHITEFIELD & WALVERDEN
Public. Part Exempt, or Fully Exempt	PUBLIC
Appendices (if any)	NONE

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 16TH SEPTEMBER 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

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 Comments

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.

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: Refuse

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.





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

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 16TH 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

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.
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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 designed 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).

Enforcement

The development has already been undertaken and is having an existing detrimental impact on the residential enjoyment of the adjacent dwelling. The taking of enforcement action to address that unacceptable impact is a proportionate response to the situation and the developer would have a right of appeal against that. The taking of enforcement action would be proportionate and would not result in a breach of the rights of the owner under the provisions of the Human Rights Act 1998.

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 DEVELOPMENT MANAGEMENT COMMITTEE ON 16TH 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 in tact street scape.

Whist 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