

Report Title	PLANNING APPLICATIONS
Meeting	DEVELOPMENT MANAGEMENT COMMITTEE
Meeting Date	21ST OCTOBER 2025
Report Author	NEIL WATSON
Directorate	PLACE
Lead Executive Member(s)	COUNCILLOR L. WHIPP
Wards Affected	MARSDEN & SOUTHFIELD, AND BRADLEY
Public. Part Exempt, or Fully Exempt	NONE
Appendices (if any)	NONE

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 21ST OCTOBER 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.

Amended plans have been received subsequent to the last Committee. These are discussed in more detail in the main body of the report.

Relevant Planning History

None

Consultee Comments

Public 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.

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.

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Officer Comments

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.

Design and residential amenity

The proposed annex would be sited to the rear of the garden. Its scale and height in itself would be compatible with surrounding gardens and would not cause any direct loss of amenity or living conditions.

The main issue with the original design was the loss of privacy and amenity with the adjoining dwellings. There would have been direct views into upstairs and neighbouring windows. What is now proposed is an L shaped building. That would have a door facing the rear of the properties which would have narrow vertical windows to the side of the door. The narrow nature of the windows would not allow ready views into the neighbours at either side nor views into the new building that would result in loss of privacy.

A condition requiring no insertion of any other openings without consent is required to prevent the design being obviated by new openings.

A side bedroom window would face 271. This would be at an angle of 90 degrees and there is a hedge and proposed 2m high fence in between. The 2m high fence is permitted development. That combination of angles fence and hedge would mean that there would be no loss of privacy to nos 271.

The applicant has erected a large fence separating the house from the proposed annex. That is an inappropriate and unlawful form of development.

In order to control exactly what will be developed going forward a condition removing permitted development rights should be added and a condition requiring details of fencing and any internal separation. This will ensure that the site is not over developed and that any inappropriate fencing and separation is controlled by the Local Planning Authority.

The building is in the rear garden of the dwelling and only appropriate to be used as an ancillary building. Independent use would result in an unacceptable relationship between the two including parking issues, loss of privacy and potential noise and disturbance by matters such as parking and people walking past the existing dwelling.

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

With appropriate conditions removing permitted development rights

Recommendation: Approve

- 1 The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: DEAN/07/ DWG 01C, DEAN/07/ DWG 02C, Site Plan.

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

3. The external materials to be used on the development hereby authorised shall be as stated on the approved plans and application forms.

Reason: These materials are appropriate to the design of the dwelling and its setting and in order to comply with the requirements of the adopted design code for the area and in order that the Local planning authority may control the external appearance of the building in the interests of the visual amenity of the area.

4. No other openings whatsoever other than those shown on the approved drawings shall at any time be inserted into any part of the development hereby permitted without the prior written consent of the Local Planning Authority. Any new openings shall thereafter strictly comply with the written permission of the Local Planning Authority.

Reason: In order to prevent any loss of privacy to the occupants of neighbouring dwellings.

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

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.

6. No wall, fence or other means of enclosure other than the 2m high boundary fencing shown on the submitted plans shall be erected or allowed to remain on the land without the prior written approval of the Local Planning Authority.

Reason: In order to control the means of enclosure in the interests of the visual amenity of the area.

7. The building hereby authorised shall only ever be used by family members and shall only be used as an ancillary building to the main dwelling. It shall at no time ever be separated, sold or used independently of the main dwelling.

Reason: The back lands position would mean that any independent use would lead to an unacceptable relationship and loss of privacy and amenity to both sets of occupants.

- 8 The building hereby permitted shall at no time be used unless and until it is connected to a public sewage system.

Reason: In order to prevent pollution.

- 9 Prior to the commencement of development on site a method statement shall be submitted to the Local Planning Authority for written approval which shall include the following:

- i) the parking of vehicles of site-operatives and visitors
- ii) working times which shall exclude Sundays and bank holidays
- iii) storage of plant and materials used in constructing the development
- vi) measures to control the emission of dust and dirt during construction

the development shall proceed strictly in accordance with that method statement.

Reason: In the interest of the amenity of the area and highway safety during construction work.





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 21ST OCTOBER 2025

Application Ref: 25/0424/HHO

Proposal: Full: Erection of rear extension

At: 2 - 4 Carleton Street, Nelson

On behalf of: Mr Mohammed Farooq

Date Registered: 25/6/2025

Expiry Date: 20/08/2025

Case Officer: Neil Watson

Site Description and Proposal

The application site is a mid-terrace pair of houses. It has an existing extension to the rear of number 4 with the proposed extension adjacent to number 2.

Number 2 has an extension with windows facing the appeal site. The rear wall of number 2 is set back slightly from the application site which in turn sits slightly higher than the floor level of number 2.

Relevant Planning History

No planning history.

Consultee Response

LCC Highways; No objection.

Parish consultation: No comments received.

Public Response

One objection has been received on the following grounds:

This objection is submitted on the grounds that the development will unacceptably reduce direct sunlight to two habitable room windows, be overbearing due to elevated ground levels, and conflict with national and local planning policy safeguarding residential amenity. The proposed extension will directly overshadow:

- The kitchen window (the only window serving that room), which currently benefits from unimpeded morning and early-afternoon sunlight.

- A living-room window (one of two windows), which is the sole source of direct sunlight into that space.

National policy (National Planning Policy Framework) requires that new development secures a high standard of amenity for existing users, including adequate daylight and sunlight to habitable rooms (NPPF §130(f)). Planning authorities must consider the impact on daylight and sunlight to habitable room windows against the Building Research Establishment's "Site Layout Planning for Daylight and Sunlight" guidance. Where a development proposal obstructs a 25° line in a vertical section from the centre of the lowest window, a full assessment is normally required and refusal may follow if the loss is significant. I note that a daylight or sunlight assessment does not accompany this application.

The neighbour's garden sits approximately 1.5 ft above the natural ground level at the rear of number 2. They have not proposed any re-grading to flush ground levels before construction. This means the roof eaves and ridge of the extension will be substantially higher—increasing the bulk and height of the building as perceived from my kitchen and living-room windows. Local plan policy and the NPPF both require new development to avoid overbearing impacts on neighbouring properties. This structure's elevated height will appear oppressive, erode outlook, and exacerbate light loss. It will directly impact upon my property and my existing rights.

Furthermore, unlike other neighbours, my property is the only dwelling facing this part of the site with a habitable window on its rear elevation. All other properties have their principal windows on the side walls, not rear, so will not suffer any loss of sunlight. The consequence is a uniquely adverse effect on my living conditions, amounting to an unfair and disproportionate diminution of amenity. To conclude, in light of:

- The predicted significant loss of direct sunlight to two habitable room windows without any supporting Daylight and Sunlight Assessment;
- The overbearing nature of the extension due to higher existing ground levels;
- The unique and disproportionate harm to my property's living conditions; I respectfully request that the local planning authority:
 1. Refuse planning permission under NPPF and relevant local plan policies; or
 2. At a minimum, require the applicant to submit a full BRE-compliant Daylight and Sunlight Assessment demonstrating that the development will not cause a noticeable loss of amenity.

I look forward to hearing from you soon with a satisfactory response.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its

setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum. Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings. Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development. National Planning Policy Framework The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

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

The design guide is not a policy document but guides how development should be assessed giving general parameters for how developments should be assessed. Relevant to the development are the following parts of the guide:

16. Extensions must adequately protect neighbours enjoying their own home. Extensions must not overshadow to an unacceptable degree or have an overbearing effect on neighbouring properties.

19. Extensions should have regard to the following minimum spacing standards: Maintain a minimum distance of 12 metres between a principal window (a principal window is that on the main aspect to the property and would normally be the larger window where there is more than one) to a habitable room (e.g. living rooms and bedrooms and not normally bathroom, landing or utility room) in one property and a two storey blank wall of a neighbouring property; and

Single Storey Rear Extensions

- Subject to it being appropriate in terms of relationship to other properties, aspect, design and scale, a single storey rear extension located on, or immediately adjacent to, the party boundary with a neighbouring property will normally be acceptable if it does not project more than 4m from the rear elevation of the existing dwelling. A single storey extension of greater depth (or in a situation where the application property has a rear elevation which is set further back than the rear elevation of the neighbouring property), will normally only be permitted if it does not breach the 45 degree rule where this would not cause detriment to the character of an area. This dimension (4m) can be increased where the distance between dwellings are considerable, or where the extension itself would stand away from the boundary with the adjoining property.

- In the case of some terraced properties, where more lengthy projections are characteristic; where essential facilities need to be provided; or where due to orientation and the relative position of an extension to habitable room windows in an adjoining property a projection greater than 4m may be acceptable, subject to it having an acceptable impact on neighbouring properties.
- In many terraced streets there is a regular rhythm of single storey extensions in rear yards with similar roof pitches and projections. Single storey (and two storey) extensions to terraced properties should not normally extend beyond the line of existing additions in order to maintain the character and appearance of such areas.
- One of the most common forms of single storey extension is to the rear of terraced properties to extend the kitchen or other ground floor accommodation. Such extensions should still retain sufficient yard area for the storage of bins, seating and to hang out washing.
- All conservatories should be in character, scale and proportion with the original house. The plinth and window frames should match or compliment the materials found on the house. Careful consideration should be given to the siting of the conservatory especially in relation to neighbouring properties. If the proposed siting is near to the boundary of an adjacent property then obscure glazing or a solid wall should be used on the elevation nearest the property. It may, in some cases, be possible to erect a screen fence / wall / hedge that would protect the privacy of neighbouring properties.
- Conservatories will not be acceptable on houses formed from the change of use of buildings formerly in non residential use, where they would detract from the simple vernacular appearance of the building (e.g. barn conversions). A standard uPVC conservatory will not be acceptable on a Listed Building. Within a Conservation Area, additional consideration will be given to design, use of materials and position on the building to ensure that the character and appearance are not harmed.

Officer Comments

The applicant site sits to the rear of a row or terraced properties. There are a range of design types for extension and the aesthetic appearance of the proposed extension would fit in with the general appearance of the back street.

The principal issue of concern for the application is the impact on the living conditions of the neighbour.

The application site sits elevated above the neighbouring property by circa 50cm. The neighbouring property has an outrigger with windows in it which faces the site. These

are habitable windows in the extension and the extension does not have any other windows.

There is a living room window in the rear wall of the neighbouring property. That window is set back from the wall of the neighbouring house by circa 20cm. The extension proposed is 4.1m in length and when combined with the recessed window that would mean an extension circa 4.3m in length.

Concerns have been raised about the impact the development would have on the living conditions of the neighbour. Although the planning guidance indicates that normally a 4m extension would, be acceptable the design guide also looks at the relationship between blank walls facing habitable windows, albeit that it does not specifically look at situations such as this.

The lower level of the neighbouring property will exacerbate any detrimental impacts. The extension would be longer than the 4m advised in the design guide and that would impact on the living room window of the adjoining house.

In addition to this erecting a blank wall and roof on a slightly elevated base in extremely close proximity to the kitchen window would, result in an oppressive impact on the living conditions of the neighbour and would be overbearing and unacceptable.

RECOMMENDATION: Refuse

- 1 The proposed development would lead to an unacceptable impact on the living conditions of the occupiers of the adjoining property at number 2 as it would be overbearing and oppressive. This would result in a poorly designed development contrary to policy ENV2 of the adopted Pendle Local Plan and to paragraph 139 of the National Planning Policy Framework.

Application Ref: 25/0424/HHO

Proposal: Full: Erection of rear extension

At: 2 - 4 Carleton Street, Nelson

On behalf of: Mr Mohammed Farooq

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 21ST OCTOBER 2025

Application Ref: 25/0519/FUL

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

At 30-32 Crawford Street, Nelson

On behalf of: Mr Azher Mohammed

Date Registered: 11.08.2025

Expiry Date: 04.09.2025

Case Officer: Luke Jones

Site Description and Proposal

The application site is an end terrace situated in a residential neighbourhood in the settlement boundary of Nelson. It is currently used as a dwelling.

The proposal is to change the use of the ground floor to a shop. The site lies outside of the town centre.

Relevant Planning History

None.

Consultee Response

Highways

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

Having reviewed the documents submitted, Lancashire County Council acting as the local highway authority does not raise an objection regarding the proposed development and concludes that there are no highway grounds to support an objection as set out by NPPF.

Parish/Town Council

No response.

Environmental Services (Health)

No response.

Public Response

None.

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 WRK4 relates to retailing and town centres. Amongst other criteria it states;

All development within a Town Centre or Local Shopping Centre should seek to make a positive contribution to:

- Safeguarding the retail function of the centre. Improving the vitality and viability of the centre.
- Improving the overall mix of retail and other land uses.
- Supporting the creation of a comfortable, safe, attractive and accessible shopping environment.
- Enhancing access to the centre by sustainable modes of transport, and encouraging multi-purpose trips.

Retail proposals on edge-of-centre or out-of-centre sites will generally be resisted. Any applications of this nature must follow the approach for site selection set out in the Framework. This includes sequential and impact test, which may also require the potential effects on centres beyond the borough boundary to be considered.

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.

P.91 of the Framework states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

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

Main Town Centre Uses are Defined as: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

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 application is to change the ground floor of a dwelling into a shop. Physically there are no changes proposed.

A shop would be a compatible use with surrounding land uses and would not be incompatible with its location.

With the site being situated outside the town centre, the main issue for this application is the change of use from residential to a shop, which is a main town centre use. Both national and local policy states that such uses should be located in a town centre and that a sequential test should be undertaken to justify any out of centre use.

No sequential test has been undertaken. Allowing town centre uses, even on the modest scale proposed here, would undermine the role of town centres and if repeated often enough would undermine their vitality and viability.

In the absence of a sequential appraisal the application is not acceptable. The applicant has been requested to supply a sequential test but has not done so. Paragraph 95 of the NPPF is quite clear what should happen to applications that do not have a sequential test which is they should be refused.

RECOMMENDATION: Refusal

The application is for a main town centre use located outside of the town centre for Nelson. No sequential impact test has been submitted to justify the change of use which if permitted would set a precedent for other unjustified main town centre uses to be brought forward which would undermine the vitality and viability of the town centre. The development is thus contrary to policy WRK4 of the Adopted Pendle Local Plan (Core Strategy) and Paragraphs 91 and 95 of the National Planning Policy Framework.

Application Ref: 25/0519/FUL

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

At 30-32 Crawford Street, Nelson

On behalf of: Mr Azher Mohammed