

<b>Report Title</b>	<b>PLANNING APPLICATIONS</b>
<b>Meeting</b>	<b>DEVELOPMENT MANAGEMENT COMMITTEE</b>
<b>Meeting Date</b>	<b>26<sup>TH</sup> MAY 2026</b>
<b>Report Author</b>	<b>NEIL WATSON</b>
<b>Directorate</b>	<b>PLACE</b>
<b>Lead Executive Member(s)</b>	<b>COUNCILLOR L. WHIPP</b>
<b>Wards Affected</b>	<b>BRIERFIELD EAST &amp; CLOVER HILL AND BRIERFIELD WEST &amp; REEDLEY</b>
<b>Public. Part Exempt, or Fully Exempt</b>	<b>NONE</b>
<b>Appendices (if any)</b>	<b>NONE</b>

## **REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 26TH MAY 2026**

**Application Ref:** 26/0018/VAR

**Proposal:** Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 25/0431/HHO.

**At:** 33 Heyhead Street, Brierfield

**On behalf of:** Mr Mehdi Khan Dad Bibi

**Date Registered:** 09.01.2026

**Expiry Date:** 06.03.2026

**Case Officer:** Luke Jones

The application was called in to Nelson Area Committee by the chair of committee. Members voted to approve the application, contrary to the recommendation.

The design and materials of the revised scheme in a prominent position represent a significant departure from policies DM16 and DM24 of the Pendle Local Plan. The application must therefore be determined by the council's Development Management Committee in accordance with the constitution.

### **Site Description and Proposal**

This application site is a semi-detached bungalow with a garage and a rear extension, on a corner plot situated within the defined settlement boundary of Brierfield. The main access is from Heyhead Street. The original dwelling has buff brick walls, a pitched roof of concrete tiles and UPVC doors and windows.

Planning permission was previously granted under 25/0431/HHO for the erection of a single storey side extension. This application seeks to vary the plans of the existing permission, altering Condition 2 by changing the external materials of the walls from matching buff brick walls to predominantly stone-effect tiles and black marble tiles with gold detailing beneath the roof overhang.

Note that at the time of site visit the change in external materials had already been made.

## **Relevant Planning History**

21/0838/HHO – Full: Insertion of first floor bedroom window in North gable elevation. APPCON.

24/0470/HHO – Full: Erection of a single storey rear extension. APPCON.

25/0431/HHO – Full: Erection of a single storey side extension. APPCON.

## **Consultee Response**

### **Highways**

The application seeks to vary the previously approved elevation plans with changes to the materials and fenestration layout. Having reviewed the documents submitted Lancashire County Council acting as the highway authority does not raise an objection to the proposed variation to the plans.

### **Parish/Town Council**

No response.

### **Mining Remediation Authority**

I have reviewed the site location plans and the proposals and supporting information submitted and available to view on the LPA website and can confirm that the site falls within the defined Development High Risk Area.

The Coal Authority records indicate that the site lies in an area of probable unrecorded underground coal mine workings at shallow depth. If shallow workings are present then those may pose a potential risk to surface stability and public safety.

We note that this Variation of Condition application relates to planning application reference 25/0431/HHO, however we note that the development proposal is for the erection of a single storey side extension and would therefore fall on Part A of our published exemptions list. As such we were correctly not consulted on this application and would not require the submission of a Coal Mining Risk Assessment.

We note that the applicant has now applied to vary Condition 2 of the issued consent in order to enable the development to proceed in accordance with revised plans. The Planning Team therefore has no specific comments to make regarding the proposed revised proposal and we wish to raise no objection to this application.

Please do not hesitate to contact me if you would like to discuss this matter further.

## **PBC Public Rights of Way**

No response.

### **Public Response**

The neighbouring properties have been notified by letter with seven responses raising objections to the following:

- Material is not in keeping with the existing dwelling and wider area
- All soft landscaping has been removed
- Extensive lighting through spotlights placed under eaves and overhang roof
- Window is larger than originally planned
- Working outside of working hours

### **Relevant Planning Policy**

#### Pendle Local Plan Fourth Edition (2021-2040)

Policy SP01 (Presumption in Favour of Sustainable Development) echoes the presumption set out in National Policy and promotes the three strands of sustainable development: economic, social and environmental. Applications which accord with policies contained within the Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy DM16 (Design & Place Making) seeks high quality design in all new developments. Proposals should promote local character and distinctiveness and demonstrate a good standard of amenity for existing and future occupants.

Policy DM21 (Design & Quality of Housing) requires residential development to make a positive contribution to the built and natural environment. It sets out that new homes should make efficient use of land.

Policy DM24 (Residential extensions and alterations) states that in defined settlement boundaries residential extensions and alterations will be supported where the amenity of neighbours is retained, and design and materials respect the character of original dwellings.

Policy DM37 (Parking) standards are set out in Appendix 5 of the plan, adequate parking provision is required to serve all new 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 variation is in a residential neighbourhood situated within the defined settlement boundary of Brierfield. There are no underlying policies which would prevent the development in principle. The principal material considerations for the application are as follows:

#### **Design and Materials**

The development would represent a significant departure from the high-quality and contextually appropriate design approved under the original permission. The proposed stone-effect tiles would fail to replicate the visual quality, proportions, texture and appearance of the approved matching materials, resulting in a development that appears incongruous and materially disconnected from the host dwelling.

Furthermore, the retention of black marble tiling beneath the roof overhang would continue to introduce an inappropriate and visually intrusive feature that is out of keeping with the character and appearance of both the host property and the surrounding residential area.

The harm arising from the proposal is further exacerbated by the site's prominent corner plot position, which results in the extension being highly visible from multiple public vantage points. Rather than integrating with the host dwelling and wider street scene, the extension would appear as a dominant and discordant feature that draws undue visual attention and disrupts the visual cohesion of the area.

The proposed variation also seeks to alter the approved fenestration, introducing a large floor-to-ceiling window alongside a smaller window on the rear elevation. While this increases the amount of fenestration on the extension, it is not considered to result in any adverse impact on the character and appearance of the host dwelling or the wider street scene.

The proposed variation to introduce a significant change in external material fundamentally undermines the design rationale of the approved scheme and represents a clear failure to respond positively to its context. As such, the development clearly represents poor design, resulting in demonstrable harm to the character and

appearance of the dwelling and wider area, contrary to Policies DM16 and DM24 of the Pendle Local Plan Fourth Edition (2021-2040) and the adopted Design Principles SPD.

### **Residential Amenity**

The proposed variation would not materially impact on residential amenity.

### **Highways**

The variation would not impact on parking requirements or arrangements hence there are no highway implications arising from the proposal.

### **Other issues**

- Concerns have been raised regarding the removal of soft landscaping; however, this matter does not form a material consideration as part of the original planning application and therefore cannot be considered in the determination of this application.
- Objections relating to extensive external lighting are noted; however, it is not considered that the lighting would result in any adverse impact on the amenity of neighbouring occupiers, and no further assessment is therefore required. Any issues arising from excessive or intrusive lighting are controlled under separate legislation.
- Concerns relating to construction activity outside of permitted working hours fall under separate regulatory controls and are not material to the determination of this application.
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### **RECOMMENDATION: Refuse**

1. By reason of its design, the proposed variation undermines the approved scheme and would result in an incongruous and visually intrusive form of development, causing demonstrable harm to the character and appearance of the host dwelling and wider area. It is therefore contrary to Policies DM16 and DM24 of the Pendle Local Plan Fourth Edition (2021–2040) and the adopted Design Principles SPD.

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**At:** 33 Heyhead Street, Brierfield

**On behalf of:** Mr Mehdi Khan Dad Bibi

## REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 26TH MAY 2026

**Application Ref:** 26/0071/HHO

**Proposal:** Full: Demolition of the existing single storey rear extension and the erection of a single storey rear extension.

**At:** 47 Stanley Street, Brierfield

**On behalf of:** Ms Nargis Iqbal

**Date Registered:** 03/02/2026

**Expiry Date:** 31/03/2026

**Case Officer:** Laura Barnes

This application is before Members for determination as it was referred from the Nelson, Brierfield & Reedley committee on 11<sup>th</sup> May 2026.

The application was referred to Development Management committee due to its projection, height and proximity to a habitable room window which would result in unacceptable overbearing impact upon the neighbouring dwelling, which would represent a significant departure from Policy DM24 of the Pendle Local Plan Fourth Edition and the Design Principles SPD.

### **Site Description and Proposal**

The application site is a mid-terraced dwelling within the settlement boundary of Brierfield.

The application seeks permission for the demolition of the existing kitchen which projects out from the rear wall of the dwelling and erection of a single storey extension to accommodate a ground floor bathroom to the rear of the property.

### **Relevant Planning History**

None relevant

### **Consultee Response**

#### Local Highway Authority

No objection

## Environmental Health

Informative requested – noise during construction phase

## **Public Response**

- Nearest neighbours have been notified, without response.

## **Officer Comments**

### **Policy**

#### Pendle Local Plan Fourth Edition

Policy DM16 (Design and Placemaking) sets out that high quality, beautiful and sustainable design will be sought at all developments. It requires developments to demonstrate a good standard of amenity for all existing and future occupiers.

Policy DM24 (Residential Extensions or Alterations) sets out when and how proposals for householder extensions and alterations will be supported by the Council. It sets out that proposals should ensure that the amenity and privacy of occupiers should not be unreasonably adversely affected as a result of development proposals.

#### 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 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

### **Design and Amenity**

In terms of design, the proposed extension to the rear is to have a dual pitched roof. It is to be constructed of block and render with a concrete tile roof. The proposed extension is to project out 5.2m along the shared boundary with 45 Stanley Street, Brierfield. The height of the proposed extension is 3.3m to ridge and 2.5m to eaves.

In terms of the windows, there are to be two small windows, one serving the kitchen and the other serving the bathroom. These openings are of a domestic scale and would be in keeping with the character of the existing dwelling.

The proposed design accords with Policies DM16 as well as the Design Principles SPD in this regard.

## **Residential Amenity**

The Design Principles SPD sets out that single storey extensions to the rear which are on a shared boundary are acceptable where they do not project more than 4m out from the existing rear wall of the dwelling. In this case there is an existing extension along the shared boundary with the neighbour which is more than 4m in length. However, the height of the proposed extension is 3.3m the full length of the yard. The existing extension is 2.2m in height at its lowest point and is a flat roof structure. Given the increase in height along the shared boundary and that it is more than 4m in projection out from the rear wall it would result in an unacceptable neighbouring amenity impact upon the occupants of No. 45 Stanley Street.

The proposed development conflicts with Policy DM24 of the Local Plan Fourth Edition in relation to residential amenity.

## **Highways**

There is no change to the number of bedrooms to the dwelling, neither is there any existing off-street parking. There is no objection from the highways authority and the proposals accord with Policy DM37 in this regard.

## **RECOMMENDATION: Refuse**

For the following reasons:

1. Due to the scale and massing of the proposed extension upon the boundary with No. 45 Stanley Street, this would result in an unacceptable level of neighbouring amenity to the occupants of No. 45 Stanley Street, contrary to Policy DM24 of the Local Plan Fourth Edition and the Design Principles SPD.

**Application Ref:** 26/0071/HHO

**Proposal:** Full: Demolition of the existing single storey rear extension and the erection of a single storey rear extension.

**At:** 47 Stanley Street, Brierfield

**On behalf of:** Ms Nargis Iqbal