

Report Title	PLANNING APPLICATIONS
Meeting	DEVELOPMENT MANAGEMENT COMMITTEE
Meeting Date	21ST JULY 2026
Report Author	NEIL WATSON
Directorate	PLACE
Lead Executive Member(s)	COUNCILLOR L. WHIPP
Wards Affected	BRADLEY
Public. Part Exempt, or Fully Exempt	NONE
Appendices (if any)	NONE

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 21ST JULY 2026

Application Ref: 26/0250/HHO

Proposal: Full: Erection of a two-storey extension to the rear.

At 106 Regent Street, Nelson, Lancashire

On behalf of: Nasira Bibi

Date Registered: 23.04.2026

Expiry Date: 18.06.2026

Case Officer: Athira Pushpagaran

This application was considered at the Nelson Brierfield and Reedley Area Committee meeting that took place on the 6th of July. The committee resolved to approve this application was subsequently deferred to DM as it represented a significant departure from policies DM16 and DM24 of the Pendle Local Plan Fourth Edition and the Design Principles SPD. This was since the proposed extension would breach the 45 degree rule in relation to a habitable room window in the neighbouring property, resulting in an unacceptable overbearing impact.

Site Description and Proposal

The application site is a semidetached dwelling situated in a residential neighbourhood within the defined settlement boundary of Nelson. The main access is from Regent Street.

The proposed development is the erection of a two-storey extension to the rear.

Relevant Planning History

22/0253/LHE Permitted Development Notification (Larger Home Extension): Erection of a single storey rear extension. Prior Approval Not Required. 2022

21/0484/HHO Full: Erection of a single storey rear extension and 2.7m high close boarded fence along the northeast boundary. Refused. 2021

18/0767/LHE Permitted Development Notification (Larger Home Extension): Erection of single storey extension to rear (Length 6m, Overall Flat Roof Height 2.8m). Prior Approval Not Required. 2018

17/0307/HHO Full: Two storey extension to the rear with part single storey (Re-Submission). Refused. 2017

16/0810/HHO Full: Erection of part two storey, part single storey rear extension. Refused. 2017

13/14/0176N Permitted Development Notification (Proposed Large Home Extension): Erection of single storey extension to rear (Length 6m, eaves height 2.55m, overall height 2.8m). Prior Approval Not Required. 2014

Consultee Response

Highways

No objection

Parish/Town Council

No response

PBC Environmental health

Requests an informative on hours of work during construction.

Public Response

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

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 SP02 (Spatial Strategy) sets out the spatial development principles for developments in Pendle. Proposals to develop outside of a defined settlement boundary will only be permitted for exceptions to Policy DM09 that are identified in the NPPF, an adopted development plan document, or a made neighbourhood plan, or that are in accordance with Policy SP04 part 5 when the Council is unable to demonstrate a five year housing land supply.

Policy SP13 (Transport and connectivity) Proposals for new development should have regard to the potential impacts they may cause to the highways network, particularly in terms of safety and the potential to restrict free flowing traffic, causing congestion.

Policy DM01 (Climate change resilience) requires developers to create accessible development which consider pedestrian, cycling and public transport movement. Proposals should minimise the use of natural resources and help mitigate the effects of climate change.

Policy DM13 (Environmental Protection) seeks to ensure development does not result in any adverse impacts relating to air quality, lighting, noise and vibration and soil and water from the development and from the construction phase.

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 DM24 (Residential extensions and alterations) sets down the requirements for proposals for residential extensions or alterations.

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 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 proposal consists of a two-storey extension that projects 4m from the rear elevation and a single storey elevation that projects 2m from the rear of the two-storey extension. The two-storey extension would have a pitched roof, with a gable towards the rear, and the single storey element would have a lean to roof from the gable. The walls would be in brick and render, roof in slate, and openings framed in UPVC matching the existing dwelling.

The application site is one half of a semidetached pair, among similar dwellings along Regent Street that back on to the rear gardens of semis along Thursby Road. A narrow public footpath FP1306208 passes through between numbers 102 and 100, from Regent Street to Thursby Road. The proposed rear extensions would not be visible from any public vantage points other than ones along this public footpath. However, it would not be immediately adjoining the public footpath and not be highly prominent in these views. It would not have an unacceptable impact on the character of the dwelling and its surroundings.

Overall, the proposed development would be acceptable in terms of design in accordance with policies DM16 and DM24 of the Adopted Pendle Local Plan Fourth Edition (2021-2040) and the Adopted Pendle Design principles SPD.

Residential Amenity

The site has had three previous larger home extensions deemed permitted development under the GPDO through the prior approval notification process since 2014, with the latest one in 2022 (ref 22/0253/LHE, single storey flat roof, 6m x 2.8m).

The Design principles SPD states that a single storey extension that projects more than 4m would only be acceptable if it does not breach the 45-degree line from the neighbours nearest habitable room windows. Similarly, two storey extensions will be acceptable if they do not breach the 45-degree guide from the neighbour's habitable room windows.

The proposal consists of a two-storey element that projects 4m from the rear elevation and a single-storey element that projects 2m from the rear of the two-storey element. The single-storey element would project 6m from the rear elevation of the adjoining no. 108. The proposed extension would be setback from the party boundary with no.108 by circa 0.8m and that with no.104 by circa 2m.

No. 108 has two ground-floor windows and a first-floor window to the rear, serving habitable rooms. The two-storey element of the proposal would breach the 45-degree guide for the nearest habitable room window on the ground floor of no. 108.

The single storey element would extend more than 4m and would breach the 45-degree guide for the nearest habitable room window of no.108. It would also marginally breach the 45-degree guide for the nearest rear window of no 104. The windows to the side of the proposed ground floor would also face the rear garden of no. 104, although partially blocked by their outbuilding.

There exists a viable fallback position to build a single-storey extension of the same projection (6m), with the same window positioning in this location, as deemed permitted under prior notification 22/0253/LHE. While the residential amenity impacts due to the fallback position and the single-storey element of the current proposal would be broadly similar, the impact of the two-storey element would still tip the balance against the proposal. Therefore, overall, the proposed development would have a materially greater

overbearing impact on the rear windows of no.108, than the fall-back position. The proposal would therefore have an unacceptable impact on the living conditions of the occupants of no.108 and would be unacceptable in terms of residential amenity.

In this case the proposed development would result in an unacceptable overbearing impact on the occupants of adjoining no.108 and would therefore be contrary to policies DM16 and DM24 of the Adopted Pendle Local Plan Fourth Edition (2021-2040), and the Adopted Pendle Design principles SPD.

Highways

The development raises no issues of highway safety and would be acceptable in accordance with policies SP13 and DM37 of the of the Adopted Pendle Local Plan Fourth Edition (2021-2040).

RECOMMENDATION: Refuse

Due to the following reason:

1. The proposed development due to its size and location would result in an unacceptable overbearing impact on the occupants of no. 108 Regent Street. Therefore, the proposed development would be contrary to policies DM16 and DM24 of the Adopted Pendle Local Plan Fourth Edition (2021-2040), and the Adopted Pendle Design principles SPD.