



**REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER**

**TO: NELSON COMMITTEE**

**DATE: 27 MARCH 2017**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications

## REPORT TO NELSON COMMITTEE ON 27 MARCH 2017

**Application Ref:** 16/0810/HHO  
**Proposal:** Full: Erection of part two storey, part single storey rear extension.  
**At:** 106 Regent St, Nelson  
**On behalf of:** Mr Carter  
**Date Registered:** 9 January 2017  
**Expiry Date:** 6 March 2017  
**Case Officer:** Lee Greenwood

### **Site Description and Proposal**

The application is brought to Committee at the request of Councillors. The site comprises a semi-detached property within the settlement boundary of Nelson.

The scheme seeks to erect a part two storey, part single storey extension to rear elevation.

### **Planning History**

**13/13/0315P** - Erection of a two storey & single storey extension to the rear of dwellinghouse – **Withdrawn**

**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) – **Notification Accept, Permitted Development**

### **Consultee Response**

**LCC Highways;** no objections.

**Nelson Town Council;** no comments received.

### **Public Response**

**Eight neighbouring properties notified;** no comments received.

### **Officer Comments**

The main issues to consider in this application are compliance with Policy, design, amenity and highway safety.

#### **Policy**

Policy ENV2 of the Local Plan Part 1 encourages a high standard of design in new developments, using materials appropriate to the setting.

The Design Principles SPD also contains more specific advice on householder extensions, which will be discussed in more detail below.

## **Design & Amenity**

The SPD states that two storey rear extensions should not breach the 45 degree rule and be set in from the party boundary by a minimum of 1m

The development here seeks to erect a two storey element projecting 4m, before stepping down to a single storey for a further 2m, creating an addition 6m in total from the original rear wall of the house. Whilst it would be set in from the shared boundary by 1m, the extension by virtue of its projection would breach the 45 degree rule by some distance. The neighbour has two ground floor windows and one first floor window to the rear. The latter is located centrally within the upper floor and would be unaffected. However the ground floor windows are in close proximity to the development, which would appear overbearing and dominant from these openings, by virtue of its scale and massing.

The applicant would need to reduce the projection of the two storey element by around half to avoid any adverse impacts on these windows. It is acknowledged that no neighbour objections have been received and that a 6m long single storey extension has previously been deemed permitted under the increased GPDO allowances for householders. However this does not outweigh the harm that would be caused by the first floor element.

The applicant is supported by a statement which states that the extension is required to address the particular needs and requirements of the occupant. Whilst these personal issues are noted, the impacts of the development here are not marginal, as such they can be afforded little weight in the decision making process.

Therefore as submitted the proposal fails to comply with adopted guidance within the SPD and Policy ENV2. The applicant has been made aware of this issue and is considering possible amendments. Any update will be reported to the meeting.

## **Highways**

The proposal does not impact on the current level of off-street parking provision at the site in an area where on-street parking is prevalent. LCC Highway Engineers raise no concerns in relation to the proposal.

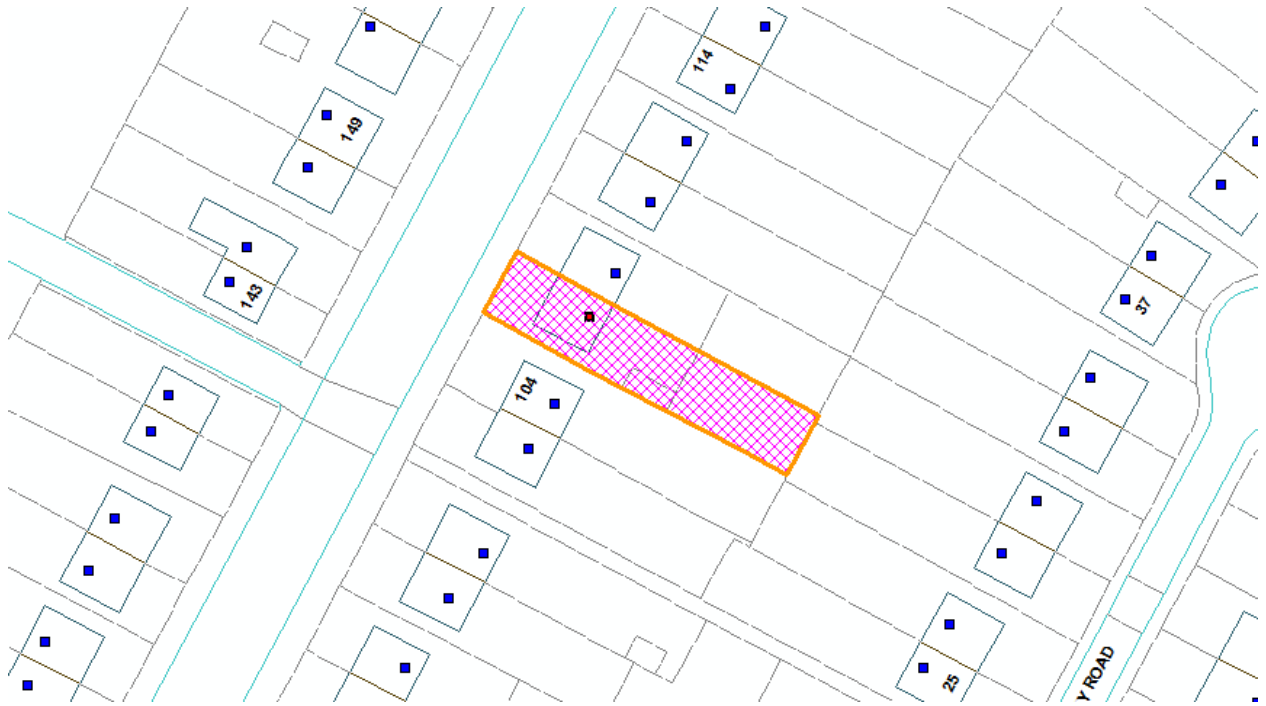
## **Summary**

The proposed development, by virtue of its scale and massing would have an unacceptable impact on the amenity of neighbours, thereby failing to comply with Policy ENV2 of the Local Plan Part 1 and guidance within the Design Principles SPD.

## **RECOMMENDATION: Refuse**

For the following reason;

1. The proposed development, by virtue of its scale and massing, would have an adverse impact on the amenities of the adjoining property, owing to its proximity to adjacent windows. The application thereby fails to accord with Policy ENV2 of the Local Plan and guidance within the Design Principles SPD.



**Application Ref:** 16/0810/HHO

**Proposal:** Full: Erection of part two storey, part single storey rear extension.

**At:** 106 Regent St, Nelson

**On behalf of:** Mr Carter

**Application Ref:** 17/0042/HHO  
**Proposal:** Full: Erection of two storey extension to rear, including first floor balcony.  
**At:** 103 Reedyford Road, Nelson  
**On behalf of:** Mr Mohibur Rahman  
**Date Registered:** 20/01/2017  
**Expiry Date:** 17/03/2017  
**Case Officer:** Alex Cameron

### **Site Description and Proposal**

The application site is a house within a block of four located within the settlement of Nelson surrounded by similar properties. The existing building is finished in brick and render with a slate roof and upvc fenestration.

The proposed development is the erection of a two storey. The proposed extension would project 4.455m from the existing rear wall with an eaves height of 5m and a ridge height of 6.6m. The proposed extension would be finished in brick and render with a slate roof and upvc fenestration.

### **Relevant Planning History**

None.

### **Consultee Response**

LCC Highways – No objections in principle regarding the proposed erection of a two storey extension to the rear at the above location, subject to the following comments being noted, and conditions and note being applied to any formal planning approval.

The property currently has three bedrooms. From early morning site observations two parking spaces were associated with the property - one off-street within the curtilage; the other on-street immediately outside the property. The proposal is to increase the number of bedrooms to four and, given the property's location, there should be a corresponding increase in the number of parking spaces provided.

Reedyford Road is classed as a main distributor road and consequently heavily trafficked. Whilst some on-street parking was noted outside a number of neighbouring properties on both sides of the road we would not wish to encourage this further. Therefore I would ask the applicant to provide a second, adequately sized off-street parking space, which can be accommodated within their curtilage.

Property Services – Under the terms of the conveyance when the property was sold by the Council in 1983, consent is required for any external alterations or additions to the property, in addition to planning permission.

The owner is advised to contact Liberata Property Services in order to obtain this consent. If consent is not obtained, any future sale of the property may be delayed.

Nelson Town Council

## **Public Response**

Nearest neighbours notified - No response.

## **Officer Comments**

### **Policy**

Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy states that all new development will be required to meet high standards of design, this is expanded upon in relation to domestic extensions by the Design Principles SPD.

### **Design**

The proposed extension is acceptable in terms of design and materials and would not adversely impact upon the visual amenity of the area in accordance with policy ENV2 and the guidance of the Design Principles SPD.

### **Amenity**

Taking into account its small size of the balcony and distance from the boundaries it would not unacceptably impact upon the privacy of adjacent properties. The windows of the proposed extension would also result in no unacceptable privacy impacts.

The design principles SPD states that two storey extensions will be acceptable only if they do not breach the 45 degree rule. In addition, where the properties are attached and the neighbouring property has no extension adjacent to the boundary, any first floor element of an extension should be set in from the party boundary by a minimum of 1m.

There is an existing ground floor extension on the boundary to the rear of No.101 and the proposed extension would not unacceptably impact upon the upper floor windows of that property. However, there are no existing extensions to the rear of No.105 and the proposed extension would both breach a line of 45 degrees taken from a ground floor living room window in the rear of that property and would be set in from the boundary by only 0.6m. Taking this into account, the proposed extension would result in an overbearing impact upon and unacceptable loss of light to the rear of No.105.

The proposed extension is therefore contrary to policy ENV2 of the Local Plan Part 1 and the guidance of the Design Principles SPD.

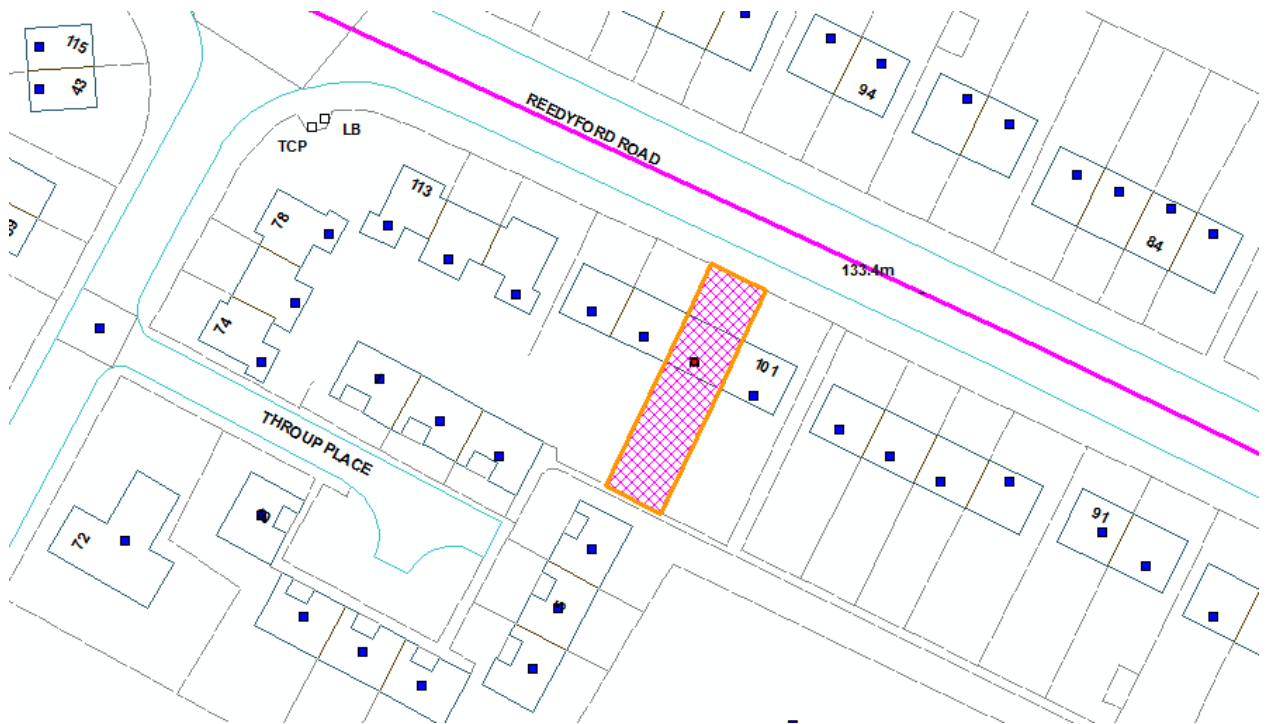
### **Highways**

The proposed extension would increase the maximum requirement for off-street parking as set out in Policy 31 of the Replacement Pendle Local Plan from two to three spaces. The site currently has provision for one off-street parking space, with a condition for this to be increased to two spaces the proposed development would be acceptable in terms of parking provision and highway safety.

## **RECOMMENDATION: Refuse**

For the following reasons:

1. The proposed two storey extension, due to its rearward projection and proximity to the boundary of No.105 Reedyford Road, would result in an overbearing impact upon and unacceptable loss of light to the rear of that property and thus unacceptable harm to the residential amenity of its occupants contrary to Policy ENV2 of the adopted Pendle Local Plan Part 1: Core Strategy and the guidance of the adopted Design Principles Supplementary Planning Document.



**Application Ref:** 17/0042/HHO

**Proposal:** Full: Erection of two storey extension to rear, including first floor balcony.

**At:** 103 Reedyford Road, Nelson

**On behalf of:** Mr Mohibur Rahman

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/SM**

**Date: 17 March 2017**