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**Our reference:**  
**Your reference:**  
**Date:** Wednesday, 9 May 2018



To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 17 May 2018 at 6.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Glen O'Connell'.

Glen O'Connell  
Monitoring Officer

## **AGENDA**

1. Apologies for Absence and Substitute Members
2. Declarations of Interest
  - a) Under the Code of Conduct
  - b) Under the Planning Code
3. Minutes of the Meeting held on 12 April 2018 (Pages 1 - 6)
4. Planning Applications (Pages 7 - 72)  
  
The report of the Executive Manager - Communities is attached

### Membership

Chairman: Councillor R Butler  
Vice-Chairman: Councillor J Stockwood  
Councillors: B Buschman, N Clarke, R Jones, J Greenwood, Mrs M Males, S Mallender, M Edwards, Mrs J Smith and J Thurman

**Rushcliffe Community  
Contact Centre**

Rectory Road  
West Bridgford  
Nottingham  
NG2 6BU

**In person**  
Monday to Friday  
8.30am - 5pm  
First Saturday of  
each month  
9am - 1pm

**By telephone**  
Monday to Friday  
8.30am - 5pm

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0115 981 9911  
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**Postal address**  
Rushcliffe Borough  
Council  
Rushcliffe Arena  
Rugby Road  
West Bridgford  
Nottingham  
NG2 7YG



## Meeting Room Guidance

**Fire Alarm Evacuation:** in the event of an alarm sounding please evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble at the far side of the plaza outside the main entrance to the building.

**Toilets:** are located to the rear of the building near the lift and stairs to the first floor.

**Mobile Phones:** For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

**Microphones:** When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.



## **MINUTES OF THE MEETING OF THE PLANNING COMMITTEE THURSDAY, 12 APRIL 2018**

Held at 6.30 pm in the the Council Chamber, Rushcliffe Arena, Rugby Road, West  
Bridgford

### **PRESENT:**

Councillors R Butler (Chairman), J Stockwood (Vice-Chairman), B Buschman, N Clarke, J Donoghue (substitute for J Greenwood), S Hull (substitute for R Jones), Mrs M Males, R Mallender (substitute for S Mallender), M Edwards, Mrs J Smith and J Thurman

### **ALSO IN ATTENDANCE:**

Councillor A Brown  
Five members of the public

### **OFFICERS IN ATTENDANCE:**

M Elliott	Constitutional Services Team Leader
L Marshall	Area Planning Officer
A Pegram	Service Manager - Communities
I Norman	Legal Services Manager

### **APOLOGIES:**

Councillors R Jones, J Greenwood and S Mallender

#### **41 Declarations of Interest**

17/03015/FUL - 99 Wilford Lane, West Bridgford, Nottinghamshire, NG2 7RN – Councillor Donoghue declared a non-pecuniary interest as she personally knew the applicant.

#### **42 Minutes of the Meeting held on 15 March 2018**

The Minutes of the meeting held on 15 March, 2018 were approved as correct record and signed by the Chairman.

#### **43 Planning Applications**

The Committee considered the written report of the Executive Manager - Communities relating to the following applications, which had been circulated previously.

**Item 1 - 17/03015/FUL - Demolition of garage and remodelling of dormer bungalow to form two storey dwelling with side and rear extension - 54 Park Lane Sutton Bonington Nottinghamshire LE12 5NH**

## **Updates**

There were no updates reported.

In accordance with the Council's Public Speaking Protocol for Planning Committee Mr Ian Storm of Storm Design (agent for the applicant), Mr Philip Watson (objector) and Councillor Andrew Brown (Ward Councillor), addressed the meeting.

## **COMMENTS**

Members of the committee were concerned about the scale and mass of the proposed development in relation to the size and scale of the original dwelling, and were of the opinion that it would cause an unacceptable and overbearing impact on neighbouring properties. Members of the committee were also of the opinion that the proposed development was out of character with the immediate streetscene.

## **DECISION**

### **REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS**

1. The proposed development by virtue of its height, scale, bulk and mass would result in unacceptable overbearing impacts on the immediate neighbouring properties at 52 and 56 Park Lane. The proposed development would also be out of scale and character with the neighbouring properties due to the proposed two storey scale, form, mass and bulk being substantially more dominant within the street scene than the original building and the adjacent dwellings.

The proposal would, therefore, be contrary to Policy 10 (Design and Enhancing the Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy which specifies that development will be assessed in terms of, inter alia, the following criteria:

- a) structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces;
- b) impact on the amenity of occupiers or nearby residents;
- e) density and mix; and
- f) massing, scale and proportion;

2. The proposal is also contrary to Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan which states that planning permission for new development, changes of use, conversions or extensions will be granted provided that, inter-alia:

(d) The scale, density, height, massing, design, layout and materials of the proposals are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. They should not lead to an over-intensive form of development, be overbearing in relation to

neighbouring properties, nor lead to undue overshadowing or loss of privacy and should ensure that occupants of new and existing dwellings have a satisfactory degree of privacy.

The adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits and the proposal would also be contrary to guidance in the National Planning Policy Framework.

Councillor Donoghue who declared an interest in the following item left the room at this and did not take part in the subsequent discussion and vote.

**Item 2 - 18/00327/FUL - Demolish existing kitchen extension and construct single storey rear extension and garden steps - 99 Wilford Lane, West Bridgford, Nottinghamshire, NG2 7RN**

**Updates**

There were no updates reported.

**DECISION**

**GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS.**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1802-05 Rev. A, 1802-04 Rev. C received on 12th March 2018, and Site Location Plan and Block Plan received on 6th February 2018.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. The extension(s) hereby permitted shall be constructed in suitable facing and roofing materials as specified in the submitted application to match the elevations of the existing property.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

4. Prior to the extension and raised terrace hereby approved being brought into use, a close boarded fence with a height of 1.8 metres above the level of the terrace shall be erected on the north east boundary as shown on drawing numbers 1802-05 Rev. A and 1802-04 Rev. C.

Thereafter the fence shall be retained and maintained for the life of the development.

[To ensure a satisfactory development in the interests of amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

Councillor Donoghue re-joined the meeting at this point.

**Item 3 - 18/00491/FUL - Single storey rear and two storey side extension - 44 Nottingham Road, Keyworth, Nottinghamshire, NG12 5GT**

**Updates**

There were no updates reported.

**DECISION**

**GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS.**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Site Location Plan, 1:500 Block Plan, Roof plan and 1:50 Floor Plans and 1:100 Elevations all received on 28th February 2018 and "13ccd Technical detail" received on 28th March 2018.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. The extension(s) hereby permitted shall be constructed in suitable facing and roofing materials as specified in the submitted application to match the elevations of the existing property.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

**Notes to Applicant**

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act and the necessary measures to be taken.

44 **Planning Appeals**


The report of the Executive Manager - Communities was submitted and noted.

The meeting closed at 7.40 pm.

CHAIRMAN

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 <p>Rushcliffe Borough Council</p>	<p><b>Planning Committee</b></p> <p><b>17 May 2018</b></p> <p><b>Planning Applications</b></p>	<p><b>4</b></p>
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## Report of the Executive Manager - Communities

### PLEASE NOTE:

1. Slides relating to the application will be shown where appropriate.
2. Plans illustrating the report are for identification only.
3. Background Papers - the application file for each application is available for public inspection at the Rushcliffe Customer Contact Centre in accordance with the Local Government Act 1972 and relevant planning legislation/Regulations. Copies of the submitted application details are available on the website <http://planningon-line.rushcliffe.gov.uk/online-applications/>. This report is available as part of the Planning Committee Agenda which can be viewed five working days before the meeting at <http://www.rushcliffe.gov.uk/councilanddemocracy/meetingsandminutes/agendasandminutes/>. Once a decision has been taken on a planning application the decision notice is also displayed on the website.
4. Reports to the Planning Committee take into account diversity and Crime and Disorder issues. Where such implications are material they are referred to in the reports, where they are balanced with other material planning considerations.
5. With regard to S17 of the Crime and Disorder Act 1998 the Police have advised they wish to be consulted on the following types of applications: major developments; those attracting significant numbers of the public e.g. public houses, takeaways etc.; ATM machines, new neighbourhood facilities including churches; major alterations to public buildings; significant areas of open space/landscaping or linear paths; form diversification to industrial uses in isolated locations.
6. Where the Planning Committee have power to determine an application but the decision proposed would be contrary to the recommendation of the Executive Manager - Communities, the application may be referred to the Council for decision.
7. The following notes appear on decision notices for full planning permissions:  
  
“When carrying out building works you are advised to use door types and locks conforming to British Standards, together with windows that are performance tested (i.e. to BS 7950 for ground floor and easily accessible windows in homes). You are also advised to consider installing a burglar alarm, as this is the most effective way of protecting against burglary. If you

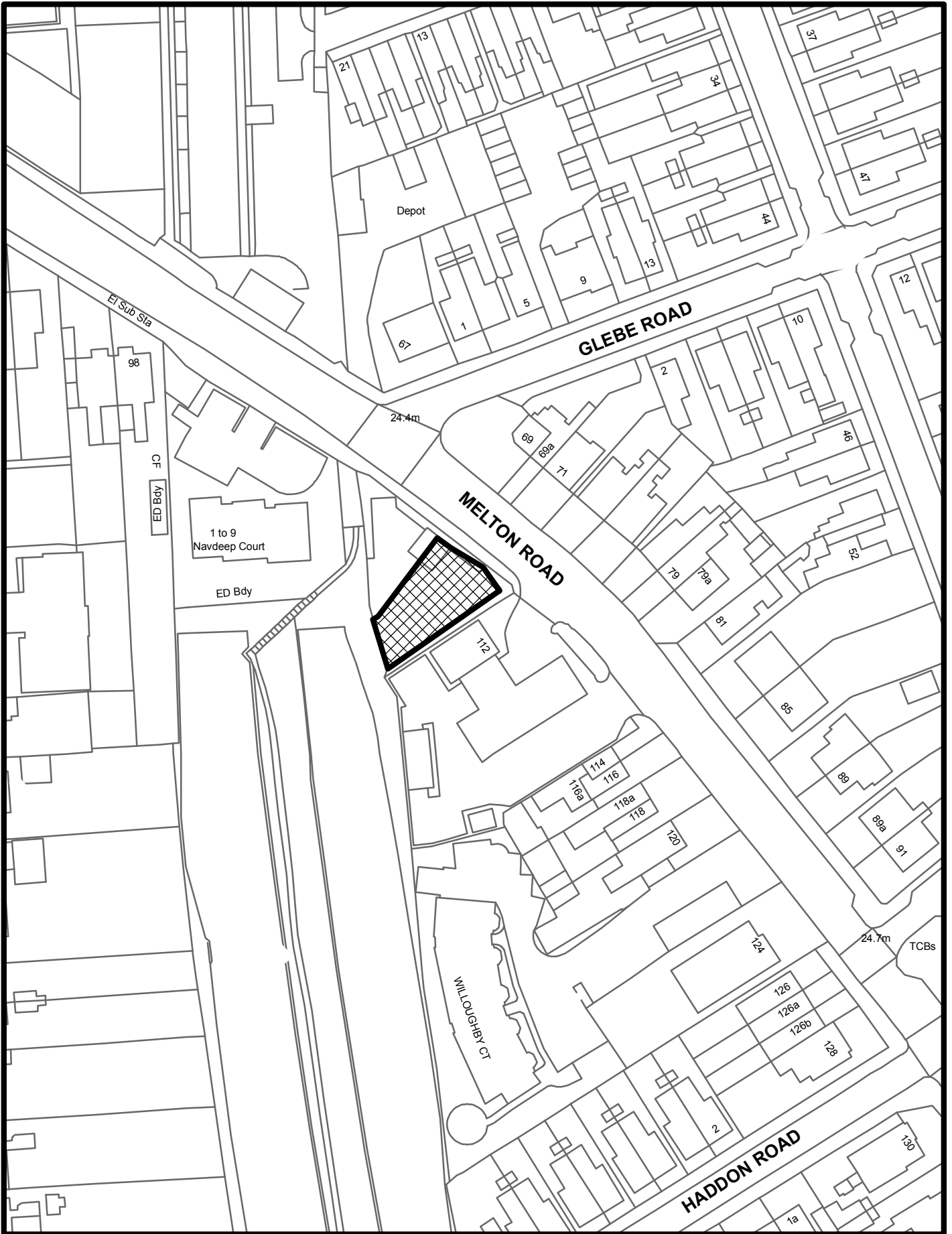
have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

<http://www.rushcliffe.gov.uk/planningandbuilding/buildingcontrol/>

<b>Application</b>	<b>Address</b>	<b>Page</b>
<a href="#">17/02880/FUL</a>	100 Melton Road, West Bridgford, Nottinghamshire  Extension and conversion of B1 office to create four self-contained flats	11 - 23
<b>Ward</b>	Musters	
<b>Recommendation</b>	Planning permission be granted subject to conditions	
<hr/>		
<a href="#">18/00062/FUL</a>	50 Priory Road, West Bridgford, Nottinghamshire  Single storey side and rear extensions, loft extension (extend roof to form gable roof to rear and side dormer), privacy screen to boundary with 52 Priory Road, raised patio at the rear and front porch (resubmission)	25 - 36
<b>Ward</b>	Trent Bridge	
<b>Recommendation</b>	Planning permission be granted subject to conditions	
<hr/>		
<a href="#">18/00614/FUL</a>	Nettle Barn, Bassingfield Lane, Bassingfield Nottinghamshire  Single storey extensions to side and rear, first floor/two storey extensions to front and rear, new porch and pergola, and construction of car port (revised scheme)	37 - 46
<b>Ward</b>	Gamston North	
<b>Recommendation</b>	Planning permission be granted subject to conditions	
<hr/>		

<b>Application</b>	<b>Address</b>	<b>Page</b>
<a href="#">18/00441/FUL</a> & <a href="#">18/00442/LBC</a>	Wharf Building, adjacent Wharf House, Main Street, Hickling, Nottinghamshire  Proposed extension of existing seating for tea rooms into the existing store area, forming new opening through and installation of 2No; conservation velux roof lights to main roof	47 - 59
<b>Ward</b>	Nevile and Langar	
<b>Recommendation</b>	Planning permission be granted subject to conditions  and  that Listed Building Consent be granted subject to conditions.	
<a href="#">18/00494/FUL</a>	4 Yew Tree Close, Radcliffe On Trent, Nottinghamshire  Single-storey side extension with raised patio, new hipped roof to existing dormer, new infill garage, and replacement open porch.	61 - 66
<b>Ward</b>	Radcliffe on Trent	
<b>Recommendation</b>	Planning permission be granted subject to conditions	
<a href="#">18/00242/FUL</a>	1 Priors Close, Bingham, Nottinghamshire  Replacement of boundary treatment with new fencing and trellis, removal of overgrown trees, and new driveway access.	67 - 71
<b>Ward</b>	Bingham East	
<b>Recommendation</b>	Planning permission be refused	

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**Application Number: 17/02880/FUL**  
**100 Melton Road, West Bridgford**



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# 17/02880/FUL

**Applicant** Mr P Buckingham

**Location** 100 Melton Road West Bridgford Nottinghamshire

**Proposal** Extension and conversion of B1 office to create four self-contained flats

**Ward** Musters

## THE SITE AND SURROUNDINGS

1. The application site concerns the current commercial premises at 100 Melton Road, West Bridgford, and specifically relates to part of the overall building which is located adjacent to the Sainsbury's convenience store and petrol station to the south west. The building currently contains the "Signature" restaurant at ground floor with the scope of the planning application predominantly affecting the first floor (most recently in office use) and the currently undeveloped flat roof space that is sited above the ground floor Signature restaurant and to the rear of the existing first floor commercial unit. At the rear of the site is the raised and wooded embankment of the Green Line pedestrian footpath and Local Wildlife Site. The site falls within Flood Zone 3 as defined by the Environment Agency. The surrounding area consists of a stylistic mix of two storey buildings with front gables and shops with commercial units at ground floor.

## DETAILS OF THE PROPOSAL

2. The application seeks full planning permission for the proposed extension and conversion of the B1 Office into four self-contained flats (2 x two beds and 2 x one beds). The application therefore involves the cessation of the office use and construction of a new first floor rear extension with a hipped mansard roof treatment above. New windows are proposed to the first floor side elevation overlooking the Sainsbury's forecourt and to the rear with an outlook overlooking the Green Line. Rooflights are proposed within the second floor roof slope to the side and rear elevations. An existing stainless steel flue serving the ground floor restaurant premises to the side (south west) elevation is to be repositioned, redirected and discharged towards the rear of the building.
3. The application is supported by a Flood Risk Assessment and Sequential Test, a Noise Assessment and an Odour Assessment.

## SITE HISTORY

4. 07/00232/FUL – Planning Permission granted in April 2007 for the erection of a two storey and single storey building comprising two commercial units to be

used for A1 (shop), A3 (Restaurant/café) or A2 (Financial and Professional Services).

5. 11/00761/FUL – planning permission was refused and an appeal dismissed for a first floor extension to the existing office accommodation. The 2012 appeal was dismissed with the Inspector stating that the flat roofed element of the rear extension did not constitute good design and as such would be harmful to the character and appearance of the area when viewed from the Green Line.
6. 13/02526/PAJ – In March 2014 it was determined that prior approval was not required for the change of use and conversion of the first floor office unit to a single three bedroomed flat. The change of use was therefore deemed to be permitted development under the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) and did not require planning permission.
7. 16/02729/FUL – Planning Permission was refused for the extension and conversion of B1 Office into four self-contained flats. The reasons for refusal were as follows:-
  1. *It is considered that the large flat roof element of the proposed extension would not represent good design as required by Part 7 of the National Planning Policy Framework, and would unacceptably harm the character and appearance of the local area, contrary to Policy 10.2. of the Rushcliffe Plan Part 1: Core Strategy, and to policy GP2 (d) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.*
  2. *The impacts of noise and odour on the amenity of future occupiers from existing nearby users has not been adequately demonstrated to the satisfaction of the Local Planning authority. Therefore the development would be contrary to Policy GP2 g) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.*

## REPRESENTATIONS

### Ward Councillor(s)

8. One Ward Councillor (Cllr. Jones) objects to the application, in summary, whilst he accepts the principle of infill in this location he has concerns regarding the increased massing and bulk of what is already a bulky building in the streetscene, lack of outdoor amenity space, lack of parking provision and lack of bike/pram store. The Councillor is also concerned about the design of the second floor in which flat 4 is only provided with Velux windows and flat 3 is little better with one small window. Concerns have also been raised about the position of the flue and the likelihood of health risks to the second floor velux windows.
9. Following the receipt of amended plans, Cllr. Jones retained his objection as outlined above, but noted the change to the flue and also raised concerns regarding noise and fumes from the adjoining garage forecourt and from the restaurant below and considers this is a poor design for future living, contrary to the NPPF.



## **Statutory and Other Consultees**

10. The Environment Agency raises no objections, provided that the measures as detailed in the submitted Flood Risk Assessment, specifically in relation to finished floor levels and flood resistance/resilience measures, are secured by condition.
11. Nottinghamshire County Council as Highway Authority raises no objection
12. The Borough Council's Environmental Health Officer has no objections to the application and agrees with the findings of the submitted noise and odour assessments. Officers have considered the proposed flue details and provided that the odour treatment equipment is installed internally as per the drawing MRN/FW/002 and the discharge facility is also as per this drawing then no objection is raised to this application in relation to odour impact. In respect of noise impacts, no objection is raised subject to the imposition of a planning condition that requires details of a noise insulating floor and ceiling between the commercial and residential units which shall be installed prior to the use commencing.
13. The Borough Council's Waste and Recycling Officer has stated concerns that the bin storage is in the form of 2x 660L and 2x 240L (one each for refuse and recycling) which could be confusing for residents.

## **Local Residents and the General Public**

14. One letter of objection has been received from the commercial occupier of a neighbouring retail unit raising the following concerns:-
  - a. Harm to the commercial viability and vitality of businesses within this retail area
  - b. Increased on street parking pressures
  - c. Noise from proposed residential units

## **PLANNING POLICY**

15. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014).
16. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
17. Any decision should therefore be taken in accordance with the Core Strategy, the NPPF and NPPG, policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Framework, together with any other material planning considerations.

## Relevant National Planning Policies and Guidance

18. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and carries a presumption in favour of sustainable development.
19. Paragraph 14 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
20. Paragraph 17 states that planning should, amongst other things, "*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*" it goes on to state that planning should "*take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities.*"
21. Paragraph 49 states that "*to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.*"
22. Paragraph 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
23. Paragraph 103 states "*When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that: within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.*"

## Relevant Local Planning Policies and Guidance

24. The Rushcliffe Local Plan Part 1: Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. Policy 10 states that all new development should be designed to make; a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; and reinforce valued local characteristics.
25. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2006 and despite the Core Strategy having been recently adopted its policies are still a material consideration in the determination of any planning application providing they have not been

superseded by the NPPF or the policies contained within Rushcliffe Local Plan Part 1: Core Strategy. The following policies are considered relevant.

26. Policy GP2 (Design and Amenity Criteria) states that planning permission for new development will be granted provided that the scale, density, height, massing, design, layout and materials of proposals are sympathetic to the character and appearance of neighbouring buildings and surrounding areas; that they do not lead to an over-intensive form of development; that they are not overbearing in relation to neighbouring properties; and do not lead to undue overshadowing or loss of privacy.
27. Policy MOV6 (Facilities in New Development) requires developers to make provision for cyclists in new developments.
28. Policy WET2 (Flooding) states that development will not be permitted in areas where a risk of flooding exists unless; the location is essential for a particular development and there is no alternative location in a lower risk area; or the proposal is in an existing developed area and can be adequately protected against potential flood risk and include compensatory measures; and it can be demonstrated that the proposal would have no adverse effects on the management of flood risk.
29. Consideration should also be given to supplementary guidance provided within the 'Rushcliffe Residential Design Guide'.

## **APPRAISAL**

### The Principle of Development

30. The site is located within the built up area of Greater Nottingham which Policy 3 of the Core Strategy makes provision for approximately 7,650 homes in or adjoining this area.
31. The site is located within Flood Zone 3 on the Environment Agency's maps, however, the application has been supported by a Flood Risk Assessment which, following a site specific assessment, considers the site to be within Flood Zone 2. The results of the site specific flood risk assessment are not unreasonable as the site is shown on the Greater Nottingham Strategic Flood Risk Assessment, which takes into account the defences along the River Trent, to be within an area which is equivalent to Flood Zone 2.
32. With regard to the sequential test, Rushcliffe Local Plan Part 1: Core Strategy identifies a requirement for at least 7,650 new dwellings to be provided in or adjoining the main built up area of Nottingham (within Rushcliffe) as part of the overall housing provision across the district. This includes around 7,000 within 3 identified sustainable urban extensions (SUE's), leaving around 650 dwellings to be provided through windfall sites by 2028. Whilst there are other sites in other areas of West Bridgford at less risk of flooding which have been identified in the SHLAA, it is considered that all of these sites and more, would be required in order to meet the requirements of the housing provision set out in the Core Strategy and National Planning Policy Framework requirement of a 5 year housing land supply plus 20%. Notwithstanding that the site is within an area of medium probability of flooding, it is otherwise in a

highly sustainable location and would contribute towards the Borough's housing supply. It is therefore considered that the site passes the sequential test.

33. Where it is considered that a development passes the sequential test and is not highly vulnerable, in this instance the development would be classified as 'more vulnerable', it is not necessary to apply the exception test. Furthermore, the potential risk to the development could be mitigated. The living accommodation would be set at 27.06AOD which would be 2.5m above the 'defences breached' event (24.56AOD) providing a safe haven for future residents. With regard to dry access and egress, this would be available in all events up to and including a 1 in 100 year flood event, but not during a 1 in 1000 year event. The FRA provides an evacuation route should such an event occur, this would take residents uphill and south along Melton Road. Following consultation with the Environment Agency they raise no objections to the proposal, provided that a condition is attached requiring the development to be carried out in accordance with the mitigation measures outlined in the Flood Risk Assessment submitted in support of the application.
34. The fall-back position that currently exists by virtue of Class O of the GPDO 2015 (as amended) and the previous determination of the Council under this piece of legislation is a material consideration in considering the principle of development. The council has previously determined that prior approval was not required for the change of use of the existing first floor office unit to a single three bedroom residential dwelling as it was considered to comply with the legislative requirements of this Class. It is considered that the broad principle of development can be accepted by virtue of these provisions and that the application gives the local planning authority the benefit of greater control over the proposed use and development through the formal planning process to the greater wider public benefit.
35. It is therefore considered that the principle of development is acceptable and that the key considerations in the determination of this application are the design and scale of the proposal and the impact on residential amenity, having specific regard for the noise and odour impacts associated with adjacent uses, and whether the submitted scheme adequately overcomes the previous reasons for refusal.

#### Design and Impact on the Character and Appearance of the Area

36. The proposed first floor extension would project a further 12m to the rear of the site with a hipped roof to the south east side elevation and a part-hipped mansard roof at second floor level to the rear. The extensions are to be constructed in materials to match the existing building which consists primarily of brick to the external walls and zinc standing seam roof. The materials proposed are considered to be acceptable within the context of the existing and adjoining buildings and the surrounding area.
37. The previous reason for refusal related to the substandard design of the large expanse of flat roof that was proposed. It is considered that the now proposed hipped and hipped-mansard roof adequately addresses this concern. From ground level, the proposed building would have the

satisfactory appearance of a hipped roof. From vantage points along the Green Line, views of the building are limited due to the amount of vegetation along the path, and the mansard roof would, from this elevated footpath appear as a hipped roof. It is considered therefore that the design of the roof, in terms of its form, appearance, scale, pitch and use of materials is acceptable within the context of the existing and adjoining building and the wider area. The refusal reason related to the 2011 application was pre-NPPF and therefore carries less weight as a material consideration. However, it is considered that the current proposal adequately overcomes this additional previous reason due to the difference in design and the now presence of the Sainsbury's convenience store and forecourt resulting in the immediate site context having a more urban character with which the proposal would not be out of scale or character.

38. The building at present features an unsightly metallic extraction flue that is highly visible on the south west elevation of the building. The amended plans propose to relocate and redirect the flue towards the rear of the building, which is to be painted in a dark matte finish which would reduce the visual prominence of this necessary feature within the street scene and thus reduce the overall impact on the character and appearance of the area.

#### Residential Amenity

39. The application has been supplemented by Noise and Odour Assessments. Three dimensional noise modeling has been undertaken to predict noise levels at a large number of locations. The Noise Assessment states that the noise levels associated with vehicles travelling along Melton Road and the adjacent petrol filling station would be in line with. Noise mitigation measures to better protect future residents have been incorporated within the scheme in line with the recommendations of the Noise Assessment. These measures have included the redesign of the internal layout to relocate bedrooms on rear facing elevations where noise levels are generally lower. A glazing and ventilation strategy has been submitted which satisfactorily mitigates noise impact from the surrounding environment. A condition is also recommended to require details of the sound insulation between the ground floor commercial unit and the first floor residential unit to be submitted and approved prior to the use commencing.
40. In respect of the submitted Odour Assessment, this considers the main source of odour to be from the extraction flue associated with food cooking within the ground floor restaurant, which currently discharges on the south west elevation. The submitted plans show the relocated and redirected flue towards the rear of the building discharging one meter above ridge height to ensure effective dispersal of any odour. Furthermore, the specification of the extraction system both internally and externally is to be enhanced and fitted with odour controlling filters to prevent unacceptable adverse odour impacts on future residents.
41. In conclusion, it is considered that odour, noise and activities associated with the existing surrounding uses would not result in unacceptable adverse impacts on the future occupiers of the proposed dwellings by virtue of the mitigation measures to be implemented and those which can be secured by a planning condition.

42. The mixed commercial/residential use of the site gives rise to an increased demand for external waste storage space. The submitted plan shows that there is sufficient space for the storage of refuse and recycling waste associated with the four residential units in close proximity to the edge of the highway for ease of collection by the borough waste collection service. There is also separate space available for the storage of bulk waste associated with the ground floor commercial use to prevent conflict between the different uses. The Waste and Recycling Officer's concerns are noted, however, a fewer number of bins of larger (1100L) capacity would not be satisfactorily accommodated within the site whilst still allowing for side access. Furthermore, 8x240L bins would litter the highway on collection days. Officers are therefore satisfied that the arrangement proposed represents the most suitable layout whilst providing adequate refuse and recycling storage for future residents.
43. In relation to outside amenity space for future residents the proposal is for four first and second floor flats, the Residential Design Guide states "*Private or communal garden/outdoor amenity space for apartments is desirable and should be provided where practicable. However, much will depend on the nature of the scheme and the character of the surrounding area and every case will be treated on its merits*". In this case it is considered that West Bridgford provides numerous opportunities for outside recreation and use of public amenity space and therefore it would not be reasonable to refuse the application on this basis.
44. In terms of the impact on the amenity to adjoining commercial units to the north west, having specific regard for access to light, overshadowing and overbearing, it is not considered that the proposed first floor extension to the rear which would extend beyond the rear elevation of the adjoining unit would result in unacceptable harm or loss to amenity having regard for the number and position of windows within the rear elevation of Unit 2 and the rooms that they served. The Inspector in the 2012 appeal decision (11/00761/FUL) stated that that development, which was of the same footprint and scale as now proposed would not result in significant adverse effect on the living conditions of those who worked in the adjacent unit and that the proposal would comply with Policy GP2(d) of the Non- Statutory Local Plan. It is therefore concluded that the current proposal, owing to the similar scale and footprint to that which has been considered previously is not unacceptable in this regard.

#### Highway Safety and Parking

45. Concerns have been raised in respect of the lack of any off street parking and the shortfall in capacity for on street parking within this area. Whilst the concerns of the Councillor on this matter are acknowledged, the site is considered to be a highly sustainable location within the built up area of Nottingham and therefore reliance on the private car is expected to be less by virtue of the wide range of public transport available and the close proximity of the site to facilities and services. Space provision is made within the site for the storage of bicycles.
46. The Local Highway authority raises no objection to the proposal and therefore there would be no reasonable basis to refuse the application in respect of parking or highway safety.

## Other Matters

47. The proposal does not involve increasing the overall footprint of the building or require any construction works or excavations at ground level and therefore would have no impact on surface water run off rates, protected species or wildlife habitats or encounter any contaminated material.
48. In conclusion, it is considered that the application adequately overcomes the previous reasons for refusal in respect of the design and external appearance of the roof, and the Noise and Odour Assessments adequately address concerns in respect of the amenity of future occupiers.
49. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

## **RECOMMENDATION**

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the plans ref.

- 003 Rev F received on 30<sup>th</sup> April 2018
- 004 Rev E
- 005 Rev F
- 006 Rev D all received on 12<sup>th</sup> March 2018
- Flue Details - MRN/FWP/002 Rev B received on 12<sup>th</sup> March 2018
- Noise Assessment by WYG received on 12<sup>th</sup> March 2018
- Odour Assessment by WYG received on 3<sup>rd</sup> December 2017

The development shall be completed in accordance with these approved details prior to the occupation of the dwellings

[For the avoidance of doubt and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

3. The extension(s) hereby permitted shall be constructed using suitable fenestration, facing and roofing materials as specified in the submitted

application to match the external elevations of the existing property.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

4. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated November 2016, compiled by SCC Consulting Engineering, and the following mitigation measures detailed within the FRA: Finished floor levels for the habitable space are set no lower than 25.24m above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation

[To reduce the risk of flooding to the proposed development and future occupants. This accounts for the 1 in 100 year flood level in a 30% climate change breach scenario. The level is from the Greater Nottingham River Trent Climate Change Scenario, modelled by the Environment Agency in 2016]

5. Before the use is commenced, an insulation scheme to effectively reduce the transmission of noise to adjacent properties through the separating floor/ceiling, shall be submitted to and approved by the Head of Environment & Waste Management Service. The sound insulation scheme shall have regard to BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings, Approved Document E Standard and within all living rooms and bedrooms the Noise Rating Curve of 30 shall not be exceeded in any octave band. The approved scheme shall be installed prior to the use commencing.

[To protect the amenities of future occupiers and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

## NOTES TO APPLICANT

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

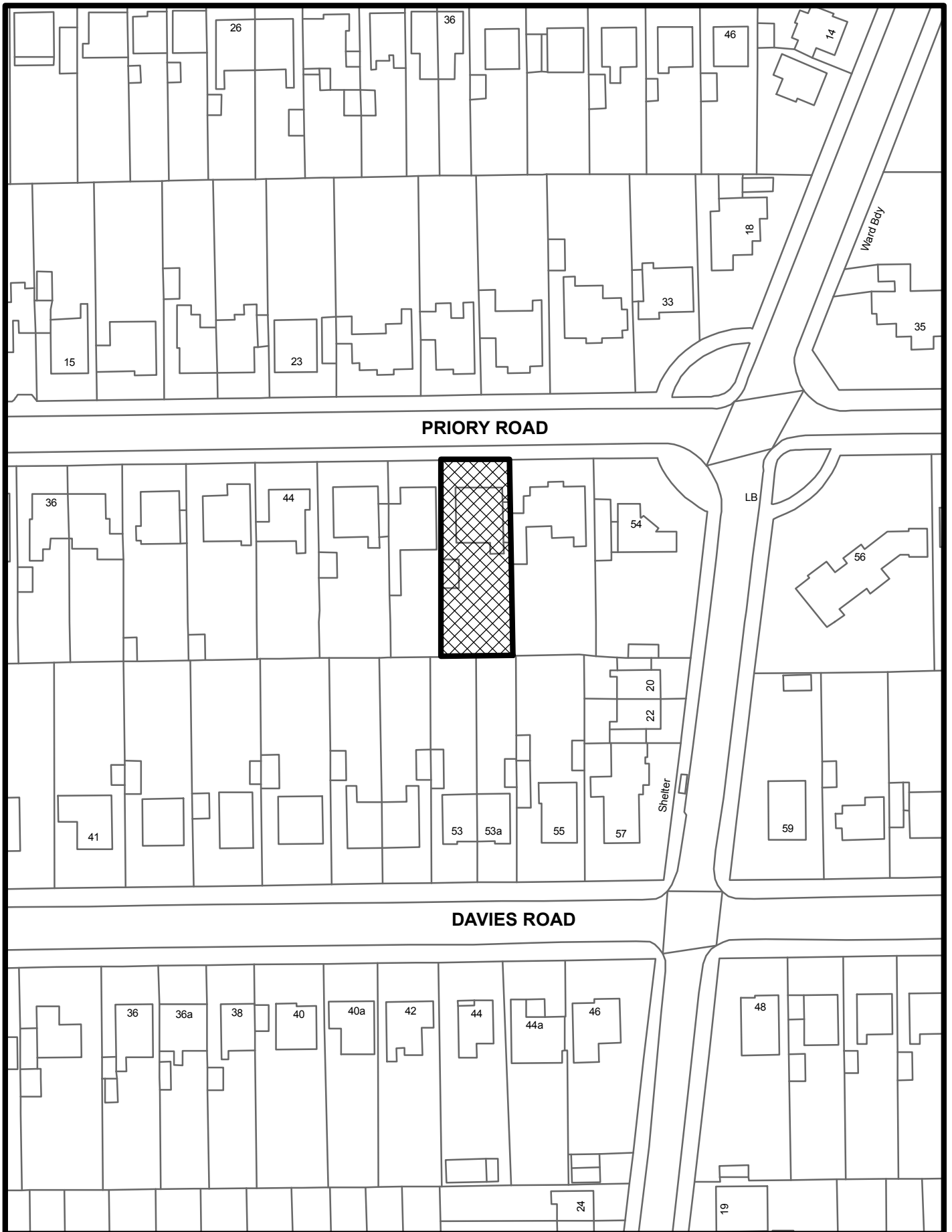
The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins

This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application forms to discharge conditions can be found on the Rushcliffe Borough Council website.





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**Application Number: 18/00062/FUL**  
**50 Priory Road, West Bridgford**



scale 1:1000

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# 18/00062/FUL

**Applicant** Mr Downey

**Location** 50 Priory Road West Bridgford Nottinghamshire NG2 5HU

**Proposal** Single storey side and rear extensions, loft extension (extend roof to form gable roof to rear and side dormer), privacy screen to boundary with 52 Priory Road, raised patio at the rear and front porch (resubmission)

**Ward** Trent Bridge

## THE SITE AND SURROUNDINGS

1. The application site is broadly rectangular and contains a large detached dwelling. There is a shallow front garden located to the north of the property and a large private garden to the south. The walls of the house are red brick, except for the front elevation which is painted render with faux timber cladding and the roof has red tiles. Vehicle access and parking is provided at the front of the property, off Priory Road which adjoins the site's northern boundary. The rear garden is located on a slightly lower ground level to the house and it is bounded by a red brick wall of varying heights as well as some screen planting.
2. The majority of properties within the street are large detached, late 19<sup>th</sup> and early 20<sup>th</sup> century houses, including the neighbouring houses, to the west 48 Priory Road and to the east 52 Priory Road. The site is located close to the centre of West Bridgford, nonetheless the surrounding properties are primarily residential, large detached properties set within spacious plots which gives the area a suburban character.
3. The site is located within the Environment Agency Flood Zones 2 and 3 yet due to the areas flood defences it is the equivalent of Flood Zone 1. The Environment Agency's standing advice has been applied.

## DETAILS OF THE PROPOSAL

4. The proposal is an amended scheme for single storey extensions at the side and rear of the house; a privacy screen adjacent to the boundary with 52 Priory Road; a loft conversion including extending the roof to form a rear gable; a dormer extension to the side roof slope; a raised patio at the rear and a porch at the front of the house. The single storey rear extension has already been constructed pursuant to a previous planning permission.
5. The rear extension wraps around the property's east elevation. It projects out 4.08m from the rear elevation of the original house, with an additional bay window projecting out a further 747mm, and measures 4.091m in width by 12.768m in total length (running down the side of the dwelling). The height to the eaves is 2.78m, measured from the finished internal floor level which is approximately the same level as the damp proof course and the height to the ridge is 4.368m from the finished internal floor level.

6. The proposed side extension would be a storage area and would project out 2.8m from the side (west) elevation and 3.018m past the rear elevation of the original house. It would measure 5.939m in length. The eaves would be 2.1m and the ridge would be 3.4m from the internal finished floor level. This extension would link the rear of the existing house to the existing garage, which is proposed to be converted to a study.
7. The loft conversion includes a hip to gable extension, the gable would be located in the rear elevation and one window would be inserted at 2<sup>nd</sup> floor level. The roof would measure 5.6m in height to the eaves and 9.2m in height to the ridge; the same as the existing roof.
8. The dormer extension would project out from the west plane of the roof. It would have a dual pitched roof with a side gable containing a window. The dormer extension would measure 3.1m in width and height.
9. The raised patio would measure up to 400mm above the natural ground level of the garden and extend rearwards from the existing rear elevation of the house by between 5.806m and 8.728m. It would be located between the side extension and converted outbuilding and the boundary with 52 Priory Road and provide a step down into the garden.
10. The porch would project out 1.2m from the front elevation of the original house and measure 2.2m in width by 2.1m in height to the eaves and 3.3m in height to the ridge.
11. The scheme has been amended during the course of the application to set the eaves of the rear extension in from the shared boundary with 52 Priory Road, include a box gutter to obviate any encroachment over the boundary and accurately show the location of the bay window in the rear elevation. In addition a privacy screen is proposed to be located along the shared boundary with 52 Priory Road. It would project out 1.8m from the rear elevation of the rear extension and measure 1.7m high, measured from the finished internal floor level. As shown the proposed plan shows the heights of the rear extension as taken from the internal finished floor level.

## **SITE HISTORY**

12. Planning permission (ref. 17/00236/FUL) was granted in April 2017 for single storey side and rear extensions; loft conversion (extend roof to form rear gable) and front porch (amended plans). Work has been substantially completed in respect of the rear extension but the proposal has not been built in accordance with the approved plans. The height of the single storey rear extension as built is 0.2m higher and is closer to the boundary with 52 Priory Road than shown on the approved plans. Building the extension closer to the boundary resulted in the eaves and gutter of the rear extension overhanging the shared boundary and the roof of the neighbour's garage.

## REPRESENTATIONS

### Ward Councillor(s)

13. One Ward Councillor (Cllr MacInnes) objects to the proposal on the following grounds: the extension has an overbearing, claustrophobic and encroaching effect; its excessive height and length cause loss of natural light, privacy and some shadowing reducing amenity; the bay window is highly intrusive, an invasion of the neighbour's (no.52) privacy caused by the overlooking of their private rear garden; Rushcliffe's Residential Design Guide raises specific concerns about facing windows from kitchens; the 2.9m privacy screen creates more overbearing results and Rushcliffe Residential Design Guide states "*walls and fences over 1.8m can be overly dominating*".

### Local Residents and the General Public

14. Objections have been received from two neighbouring properties. Their grounds for objection are summarised below:
  - a. The dormer window would over dominate the roof profile contrary to the Rushcliffe Residential Design Guide: "*typically dormers should be sited on the rear roof plane*" and "*nor should they dominate the roof slope*".
  - b. The dormer would harm the symmetry, character and proportions of the property.
  - c. There are no side dormers in the area so it would set an unwelcomed precedent.
  - d. Cumulatively the proposal would represent over development of the site.
  - e. The plans submitted in March 2017 included inaccuracies, the side elevation showed the rear extension projecting 2m from the rear elevation, had they been accurate the neighbour would have objected.
  - f. The building work does not meet the requirements of the approved plans from 14<sup>th</sup> March, it projects out 2m further to the rear and the height and pitch of the roof is excessive.
  - g. The rear extension is overbearing, has resulted in a loss of light and outlook from the house and garden.
  - h. The rear extension overhangs the boundary, trespassing on the neighbouring property.
  - i. The proposal would set dangerous precedents for further building in relation to scale, proportions and privacy expected from an extension, which is in conflict with the Rushcliffe Residential Design Guide.
  - j. Risk-taking behaviour by applying retrospectively.

- k. Overbearing, claustrophobic and encroaching affect.
  - l. Would intersect a 45° angle line taken from the living room window in the neighbouring property contrary to the Rushcliffe Residential Design Guide.
  - m. The bay window and door has created a highly intrusive and overbearing invasion of privacy and visual amenity to the neighbouring property.
  - n. The proposed privacy screen would make the overbearing situation worse.
  - o. To permit the proposal would set a dangerous precedent.
  - p. The side elevation of the extension adjacent to the boundary is unfinished breeze blocks.
15. In response to reconsultation in respect of the amended scheme one letter had been received at the time of writing. The writer maintains their objections to the development on the grounds of overbearing impact and loss of light and raises further objections to the raised patio, for which they say there are no details or plans provided. They consider that the patio would give rise to further opportunities for overlooking of their property. They do not consider that the addition of a privacy screen would prevent overlooking from the bay window. They say that the proposed guttering will result in damage to their property and is already causing dampness at the base of their garage.

## **PLANNING POLICY**

16. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996. Other material planning considerations include the National Planning Policy Framework (NPPF), the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).

### **Relevant National Planning Policies and Guidance**

17. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that, for decision taking, this means *“approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *Specific policies in the Framework indicate development should be restricted.”*



18. In relation to residential amenity paragraph 9 of the NPPF states, *"Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life, including (but not limited to): improving conditions in which people live, work, travel and take leisure"*. Paragraph 60 of the NPPF relates to design and states, *"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness"*. Paragraph 64 states, *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."*

### **Relevant Local Planning Policies and Guidance**

19. None of the 5 saved policies of the Rushcliffe Borough Local Plan are applicable to this proposal.
20. Policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy 10 states, inter-alia, that all new development should be designed to make a positive contribution to the public realm and sense of place and reinforce valued local characteristics.
21. Whilst not part of the development plan the Borough Council has adopted the Rushcliffe Borough Non-Statutory Replacement Local Plan for the purposes of development control and this is considered to be a material planning consideration in the determination of planning applications. Policy GP2 is concerned with issues of design and amenity and the effect of proposals on neighbouring properties.
22. Consideration should also be given to supplementary guidance provided in the 'Rushcliffe Residential Design Guide' which with regard to rear extensions provides that: "The extension should respect the residential amenity of neighbours by ensuring it is not overbearing and does not overshadow their windows or gardens. It is vital to consider the scale of the extension and how it will appear from the neighbour's house or garden."

### **APPRAISAL**

23. The principle of much of the development has been established by planning permission ref. 17/00236/FUL which was granted for single storey side and rear extensions; loft conversion (extend roof to form rear gable) and front porch (amended plans). However, as already stated the works undertaken have not been carried out in accordance with the approved plans. In addition this planning permission did not cover the proposed dormer extension in the side roof slope or the raised patio and privacy screen at the rear of the house.
24. The proposed extensions would have a traditional form including the use of dual pitched roofs and traditional bay features to match the existing. The materials proposed, red brick and red tiles, have been chosen to match the existing ensuring continuity of design and appearance. It is considered that

the proposals would respect the scale and proportions of the original house. The proposed side and rear extensions would be set back from the front elevation of the original house by at least 3.4m and so appear subordinate to it. It is considered that the proposal would be sympathetic to the character and appearance of the existing and neighbouring properties, as well as the surrounding area.

25. Concerns have been raised in objections received that the proposal would represent over development of the site. The proposed extensions would not result in a large proportion of the site being covered by buildings. A large private garden would be retained at the rear of the property. The footprint of the single storey extensions and porch total less than the footprint of the original house. The proposed extensions to the roof would not result in an increase in the building's overall height and would only affect the rear and one side elevation. It is therefore considered that the proposal would not lead to overdevelopment of the site.
26. The rear elevations of the application property and its adjacent neighbours are south facing. The neighbouring house at 52 Priory Road to the east has a flat roof detached garage built up to the shared boundary with the site. The rear extension projects out about level with the rear elevation of the garage at no.52 which would predominantly screen it from this neighbour's garden.
27. The rear extension includes a bay window in the rear elevation which would serve a kitchen/family room. Only this bay window would project out beyond the rear elevation of the neighbour's garage. Cllr. MacInnes has made reference to a section of the Rushcliffe Residential Design Guide regarding kitchen windows *"providing far greater opportunities for overlooking"*. However, his interpretation of this guidance has been quoted out of context, what it actually states is, *"kitchen windows and first floor lounge windows can in some cases but more particularly in apartments or flats provide far greater opportunities for overlooking than living rooms at ground floor level. There is generally less concern where first or even second floor bedroom windows overlook private spaces."* This section of guidance, therefore, has little relevance as the bay window would serve a ground floor room.
28. The Rushcliffe Residential Design Guide does, however, provide guidance on how rear privacy can be protected which includes, *"The use of louvers and screens including glass brick walls"*. The proposal has been amended to include a short privacy screen along the boundary with 52 Priory Road to screen the bay window in the rear extension and prevent undue overlooking of the rear garden area of this neighbour.
29. It is correct that the Residential Design Guide advises boundary treatments exceeding 1.8m in height can be overbearing. The height of the privacy screen has been reduced to the minimum considered necessary to protect the privacy of 52 Priory Road's rear garden, 1.7m above the internal finished floor level. From the natural ground level of the neighbour's rear garden it would measure approximately 2.3m in height. The screen would span a short 1.8m section of the shared boundary. Overbearing impacts and undue overshadowing would be mitigated by the screen's lowered height, short length as well as the neighbour's existing garage and tree located adjacent to the shared boundary

30. The proposed rear extension has been constructed with a dual pitched roof. As constructed the eaves and guttering of this roof overhang the garage roof at 52 Priory Road. The scheme has been amended to include a box gutter so that the development would be located wholly within the application site.
31. Concerns have been raised over the height of the proposed rear extension. It is the case, that the proposal as constructed is 200mm higher than shown on the plans approved in March 2017, however, this slight increase in height is not considered to have resulted in undue harm to the amenity of 52 Priory Road. As with the application site the neighbouring property is a large detached house located within a wide south facing plot. It is accepted that the proposal would lead to some overshadowing of the neighbour's house and garden at certain times of the year but its impact would be limited by 52 Priory Road's existing garage which is located adjacent to the shared boundary and that harm would be further mitigated by the site's orientation and the width of the neighbour's garden. In addition the application is for a single storey extension, therefore, any overshadowing resulting from it is likely to occur mainly in the winter when the sun is lower in the sky and the garden is less well used.
32. For the same reasons it is considered that the proposed rear extension would not result in an unacceptable overbearing impact upon 52 Priory Road. The proposal is visible from the house and garden of this neighbour but due to the existence of the garage only the pitched roof of the extension is visible from the neighbour's ground floor windows.
33. Objections have been raised to the proposal on grounds that, amongst other things, the rear extension would intersect a 45 degree line taken from the living room window in the neighbouring property (52 Priory Road), contrary to the Rushcliffe Residential Design Guide. As set out in the Design Guide, the application of the "45 Degree" guide is relevant where a two storey or higher extension is being proposed or if there are significant changes in level. In this instance, the proposal is for a single storey extension. Furthermore, the garage to 52 Priory Road sits alongside the extension, largely screening the extension from this window, with the extension not extending beyond the rear wall of this structure, with the exception of the bay window.
34. A patio door and windows would be inserted into the side elevation of the existing garage within the application site, facing the site's boundary with 52 Priory Road across the garden to the applicant's property. The door/window would be located over 11m from the boundary, which is just over the minimum distance recommended between habitable room windows and rear boundaries outlined to protect privacy in the Rushcliffe Residential Design Guide.
35. The proposed side extension would be built up to the site's western boundary which is shared with the neighbouring house, 48 Priory Road. This neighbour has an existing two and single storey rear extension including patio doors in the rear elevation adjacent to the shared boundary. The proposed extension would project out slightly further than the rear elevation of the existing extension at No. 48 and join on to the existing garage within the application site. There are no habitable room windows in the adjacent side elevation of 48 Priory Road, yet the extension has been amended so that it is set back from this neighbour's ground floor kitchen windows. It is

considered that the low dual pitched roof would further reduce the proposal's impact on this neighbour and that there would not be an undue impact on their living conditions.

36. The hip to gable extension in the rear roof slope would not result in an increase in the eaves or ridge height of the existing property. The neighbouring property at No.52 has a projecting rear gable roof in its rear elevation. The neighbouring property 48 Priory Road has existing two storey rear extensions with dual pitched roofs and rear gables. Therefore, the proposed rear gable would be sympathetic to the design of the neighbouring properties. The bulk of the roof would be increased by the proposed hipped to gable extension but the proposal's impact on residential amenity would be mitigated by the property's south facing orientation.
37. The second floor window proposed in the extended rear gable elevation would be located 22m from the rear boundary of the site and almost 50m from the rear elevation of the neighbouring properties to the south, 53 and 53a Davies Road. These separation distances exceed the minimum recommended in the Rushcliffe Residential Design Guide. It is considered that the proposal would not lead to undue harm to the residential amenity of the neighbouring properties including overbearing impact, overshadowing, overlooking, loss of privacy, light or outlook.
38. The existing garage is not used as a parking space and appears too small to house a modern car. Existing off street parking spaces would be retained at the front and side of the house. The proposal would not lead to a significant loss of garden space, the area retained would exceed the 110m<sup>2</sup> minimum set out in the Rushcliffe Residential Design Guide. It is therefore considered that sufficient off street parking and private amenity would be retained.
39. The dormer extension proposed in the side elevation did not form part of the previously approved application. It would have a dual pitched roof and be constructed in materials to match the existing roof. It is considered that its proportions would ensure the dormer appears subservient to the existing house. There are no similar side dormer windows visible within the street yet the majority of properties within the street are detached and all vary slightly in appearance. It is therefore considered that, on balance, the dormer would be sympathetic to the character and appearance of the area and would not, as suggested in objections received, set an unwelcome precedent.
40. An obscure glazed opening is proposed in the dormer extension which would serve a stairwell. Given that it would be obscure glazed and serve circulation space it is not considered that the proposal would lead to undue harm to the residential amenity of the adjacent neighbour 48 Priory Road.
41. Concerns have been raised that the side elevation of the rear extension adjacent to the boundary with 52 Priory Road is constructed in block work rather than facing bricks. This elevation is located approximately 100mm from the side elevation of the neighbour's adjacent garage and so would not be unduly visible. If the garage is removed at a future date this elevation would become visible from the house and rear garden of 52 Priory Road. However, it is considered that it could be suitably screened by any boundary treatment.

42. A raised patio has been constructed at the rear of the property the bulk of which is located between the converted garage and the proposed rear extension. It would be screened from the neighbour to the west 48 Priory Road by the outbuilding located adjacent to the shared boundary. The patio projects out 1.7m from the rear elevation of the proposed rear extension, 1m from the bay window. The proposed privacy screen would mitigate harm in terms of potential overlooking and loss of privacy to the neighbouring property to the east 52 Priory Road. Furthermore the use of this area of the patio would be restricted at this point by its narrow width and the inclusion of the projecting bay window.
43. Whilst the existing guttering overhangs the boundary the revised drawings show the inclusion of a box gutter which would be set in from the shared boundary and would ensure any runoff from the roof of the extension would be directed away from the neighbouring property.
44. In conclusion it is considered that the proposed extensions and alterations would be sympathetic to the character and appearance of the existing property, the neighbouring properties and the surrounding area, and would not lead to undue harm to the residential amenity of the adjacent neighbours. Therefore, the proposal would be in accordance with policy 10 (Design and Enhancing the Local Environment) of the Rushcliffe Local Plan Part 1: Core Strategy, policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan, as well as the Rushcliffe Residential Design Guide, and there are no material considerations which outweigh these policies.
45. Advice was sought prior to the submission of the application. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and to address concerns and objections raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a recommendation to grant planning permission.

## **RECOMMENDATION**

It is **RECOMMENDED** that planning permission be granted subject to the following condition(s)

1. The development hereby permitted shall be carried out in accordance with the revised site location plan received on May 2018 and drawing ref. 2016-20/002 REVISION 120418 received on 12 April 2018.  
  
[For the avoidance of doubt and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]
2. The extensions hereby permitted shall be constructed in suitable facing and roofing materials to match the elevations of the existing property with the exception of the east elevation of the single storey rear extension which has been constructed in blockwork.

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.]

3. The privacy screen shown on the approved plans shall be installed within 28 days of the date of this decision notice and thereafter shall be retained for the lifetime of the development.

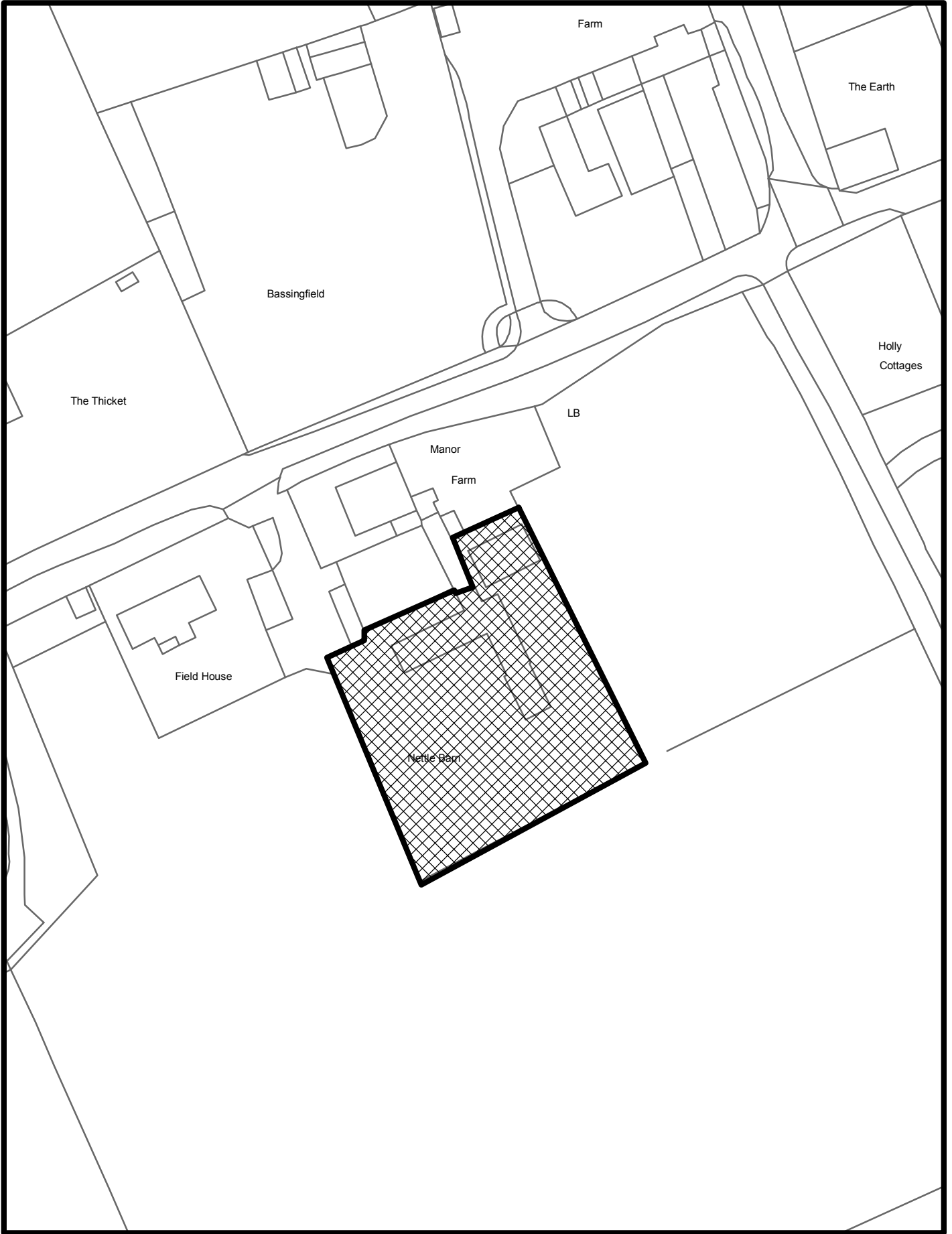
[To prevent overlooking and loss of privacy to neighbouring property and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

4. The box gutter shown on the approved plans shall be installed within 3 months of the date of this decision notice and thereafter shall be retained for the lifetime of the development.

[For the avoidance of doubt and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

### **Notes to Applicant**

You are advised that your property falls within an area identified to be at risk of flooding in the Environment Agency's Flood Risk Maps. It is therefore recommended that the design and construction of the extension incorporates advice with regard to flood resilience and resistance techniques which is available to view on the Environment Agency's website.



**Application Number: 18/00614/FUL**

**Nettlebarn, Bassingfield**

**scale 1:1000**



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# 18/00614/FUL

**Applicant** Mr & Mrs Senior

**Location** Nettle Barn Bassingfield Lane Bassingfield Nottinghamshire NG12 2LG

**Proposal** Single storey extensions to side and rear, first floor/two storey extensions to front and rear, new porch and pergola, and construction of car port (revised scheme)

**Ward** Gamston North

## THE SITE AND SURROUNDINGS

1. The application property is a red brick and pantile single and two storey dwelling converted from former farm buildings within a relatively large residential curtilage in a tandem/backland position on the south side of Bassingfield Lane. Bassingfield is a hamlet comprising late 18th/early 19th century and 20th century dwellings and farm buildings in Green Belt countryside. Manor Farm adjacent to the north is a white rendered traditional farm house, and Field House to the north west is a red brick late 20th century suburban house. A public footpath from Bassingfield Lane runs in a southerly direction around 60m to the east of the site, and the Grantham Canal is around 110m to the south.

## DETAILS OF THE PROPOSAL

2. The single storey extensions would accommodate a living room and glazed link to an existing annexe. The first floor/two storey extension would be constructed where the single storey part of the dwelling meets the two storey part to accommodate a master bedroom with a balcony to the front and a rear first floor section supported by pillars. This extension would be attached to a new flat roofed porch. A timber pergola would be attached to the north elevation, and a detached car port incorporating a garden store would be constructed adjacent to the western boundary.
3. The materials would be brickwork and glazing for the single storey side extension, predominantly glazing with some zinc cladding for the rear link extension, glazing and zinc cladding for the porch, timber & zinc cladding for the walls and roof for the first floor/two storey extension, and timber cladding and tiles for the car port.
4. The Design & Access Statement states the following:
  - The first floor bedroom extension has been designed to sit elegantly over the single storey part of the building at a perpendicular angle supported on thin columns to break up the mass.
  - The glass link would allow the existing house to be viewed through the extension.

- The materials and architectural detailing would be contemporary and sharp, and the materials have been chosen to visually contrast with the existing house.
  - The result is a series of small extensions that create subtle additions to the building which complement and do not overshadow its character and features.
  - The car port has been located in a secluded part of the site to not detract from the open nature of the Green Belt, and security represents very special circumstances to justify inappropriate development in the development in the Green Belt.
  - The extensions would represent a 2.9% increase in floor space of the original building.
5. The application is a re-submission with alterations to the design and scale of the single storey side and rear extensions together with the proposed pergola.
  6. The plans also show a number of alterations to existing openings.

## **SITE HISTORY**

7. Permission was granted in 1993 for alteration and extensions of farm buildings to form a dwelling (ref. 93/00775/FUL). Permission was granted in 1994 for a single storey extension, porch and store (ref. 94/00347/FUL).
8. Permission was granted by the Planning Committee on 11 January 2018 for single storey extensions to side and rear, first floor/two storey extensions to front and rear, new porch and construction of car port (ref. 17/2455/FUL).

## **REPRESENTATIONS**

### **Ward Councillor(s)**

9. One Ward Councillor (Cllr J Wheeler) objects on the following grounds.
  - a. He maintains his objection to the development and believes that the revisions are still out of character with the existing building and the surrounding area.
  - b. There is still no justification for a car port to be built in the development, and he believes that the Access and Design statement is very vague on the detail, and underplays the scale of work.
10. He hopes that officers take on board these comments and those of the Design and Conservation Officer in reaching the decision.

### **Town/Parish Council**

11. Holme Pierrepont and Gamston Parish Council do not object and comment that much of the application has already been approved and that this application applies to a proposed single storey extension (the courtyard

room) and a pergola. They consider that the scale, height and design of the proposed work seeks to enhance the character of the existing building and its immediate area.

### **Statutory and Other Consultees**

12. The Design and Conservation Officer comments that the existing dwelling is nominally a barn conversion but that it is difficult to identify any component of the existing building which has not been rebuilt, as much is built of modern engineering brick plinth courses and in stretcher bond masonry typical of cavity wall construction. He comments that some of the alterations previously permitted are typical of a late 80's early 90's approach to barn conversions and include features such as external porches which are best avoided as they significantly detract from the agricultural character of the building which it is desirable to retain as part of a successful barn conversion scheme.
13. He notes that the design and access statement does not draw the advantageous comparison between the proposed metal clad extensions and the historic photographs included with the application which show the pre-'conversion' situation where the barns included portal framed sheet metal clad structures.
14. He comments that, whilst it would be of a very much higher quality than an agricultural structure, the proposal has many factors in common with portal framed buildings, including external metal cladding to roofs and walls and the inclusion of large openings. Whilst he believes that this is the best way of justifying the proposed design and would represent a reasonably logical justification for this approach, he is not convinced that the scheme respects the retained character and appearance of the building, and the proposals have a significant impact on all of the main elevations of the building and would fundamentally change its character. Rather than a well-designed contrast, he is concerned that the proposal would represent an awkward clash which would detract from the overall design.
15. He considers that the single storey glazed link rear extension is easier to understand and accept than the extension approved under 17/02455/FUL, and that it would not have such a negative effect on the overall character of the building. He considers that the revised single storey side extension would have a far more contemporary and angular form than the previously approved extension, and a far less straightforward relationship with the host property. He notes, however, that it would be largely hidden and would have no impact on the main elevations or main routes to the buildings.

### **Local Residents and the General Public**

16. No written representations have been received.

### **PLANNING POLICY**

17. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996), the Rushcliffe Local Plan Part 1: Core Strategy.

18. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) and the Rushcliffe Residential Design Guide.
19. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

### **Relevant National Planning Policies and Guidance**

20. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Local Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development and look for solutions rather than problems, seeking to approve applications where possible.
21. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. The environmental role refers to 'contributing to protecting and enhancing our natural, built and historic environment'.
22. One of the core planning principles state that planning should, *"Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of buildings and land."*
23. Chapter 7: 'Requiring good design' states that good design is a key aspect of sustainable development and should contribute to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area and respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Permission should be refused for development of poor design that fails to improve the character and quality of an area. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
24. Chapter 9 'Protecting Green Belt land' states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

## Relevant Local Planning Policies and Guidance

25. Policy 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core Strategy.
26. Policies GP2 (Design & Amenity criteria), and EN17 (Alteration or extension of buildings) and EN19 (Impact on the Green Belt and open countryside) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. EN17 allows for extensions to buildings outside settlements where the proposal retains the form and character of the original building, and does not significantly increase its impact on the amenity or character of the surrounding area. EN19 states that it must be demonstrated that there will be no significant adverse impact on the open nature of the Green Belt or countryside.
27. The Rushcliffe Residential Design Guide (RRDG) states that, although it is important that developments respect local character, pastiche designs incorporating poor imitations of other styles should be avoided and that contemporary and imaginative solutions combining individuality can, when related to local character, make a positive contribution to a place.

## APPRAISAL

28. In determining whether an extension in the Green Belt is disproportionate the Borough Council's usual informal guidance is that extensions should not result in an increase significantly greater than 50% over and above the original building, in terms of volume/cubic content and footprint, although a judgement must be made with regard to the specific circumstances of the case. In this case it appears that the original conversion from farm buildings to a dwelling referred to in paragraph 4 involved the demolition of a substantial portal framed building and that extensions, including a pitched roof over the two storey section, were relatively limited. The extension approved in 1994 (the existing annexe) replaced an outbuilding on a similar footprint. The scale of the extensions now proposed is relatively small in relation to the original building, and it appears that they would not represent a disproportionate increase in the size of the original buildings. Consequently, it is considered that the proposed extensions would not represent inappropriate development in the Green Belt.
29. As the Design and Conservation Officer has pointed out, it appears that the original conversion of the buildings to a dwelling involved a substantial amount of re-building, and that the conversion was typical of that era when there was less emphasis on preserving the traditional agricultural form and character of this type of building, and conversions often included what are now usually regarded as inappropriate/unsympathetic features such as new openings with domestic style windows, and porches. The building still broadly retains the simple form of the original building; however, it appears that the conversion and subsequent extensions/alterations eroded much of the original character.
30. The proposed single storey side and rear extensions and attached pergola would be relatively small and would not be prominent in views from the public domain. The changes to the design and scale now sought to the side extension comprise an angled north elevation wall and a flat & mono-pitched roof resulting in a more contemporary appearance than the approved

extension. The rear extension would be increased in height by 0.4m. The Design and Conservation Officer's concerns regarding the first floor and two storey extension incorporating a balcony are acknowledged. It is also acknowledged that the design and materials would represent a contrast to the traditional character of the building. However, it is considered that the proposal would represent an interesting and imaginative addition to the building, and that the contrasting materials would help to retain the original form of the building. Whilst Bassingfield Lane around the site has a strong rural character, there are a number of 20th century suburban dwellings in the vicinity. In view of this, as the existing building is not the best example of a barn conversion and as the site is in a tandem/backland position and not highly prominent in the public domain, it is considered, on balance, that the proposal would not be unsympathetic to the character of the surroundings. Furthermore, as the Design and Conservation Officer has pointed out, the extension would reflect the portal framed sheet metal clad structures which were demolished as part of the original conversion.

31. The NPPF does not allow for curtilage buildings in the list of exceptions to the presumption against new buildings in the Green Belt and, therefore, it is considered that they should be regarded as inappropriate development. Consequently very special circumstances would have to be demonstrated to justify the car port. In this case the applicant suggests that security represents very special circumstances to justify inappropriate development in the Green Belt. Whilst crime and security is a planning consideration, it is considered that these issues could only be given limited weight in this case. However, the scale of the car port would be relatively modest (the size of a typical double garage) and, in view of this and its siting adjacent to the boundary, it is considered that there would be no significant adverse impact on the openness of the Green Belt. Furthermore, although in this instance, permitted development rights were restricted by condition when permission was granted for the barn conversion, curtilage buildings can potentially be constructed pursuant to permitted development rights and this can potentially result in buildings which would be significantly larger and more prominent. Such rights are not constrained by Green Belt designation. In view of the above, and as the car port would be within the residential curtilage and would be associated with the residential use of the site, it is considered that it would be very difficult to justify refusal of the car port on grounds of inappropriate development in the Green Belt.
32. It also has to be borne in mind that the first floor/two storey extension and car port were approved under 17/02455/FUL and they could, therefore, be constructed. In addition, whilst a Design and Access Statement has been submitted, it is not a validation requirement for a householder application (unless it relates to a Listed Building).
33. In view of the siting and scale of the extensions and distance from neighbouring and nearby properties, it is considered that there would be no significant adverse impact on residential amenity.
34. The proposal was subject to pre-application discussions and revised details have been submitted during processing of the application resulting in a recommendation to grant planning permission.

## RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- 17009-00-10 revision A
- 17009-00-11 revision B
- 17009-00-12 revision B
- 17009-00-13 revision A
- 17009-00-14 revision B
- 17009-90-02

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

3. The materials specified in the letter from Marsh Grochowski dated 14 February 2018 submitted with application ref. 18/00452/DISCON shall be used for the external walls and roof of the development hereby approved and no additional or alternative materials shall be used.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

### Notes to Applicant

It is possible that the roofspace, and/or behind the soffit, fascia boards, etc. may be used by bats. You are reminded that bats, their roosts and access to roosts are protected and it is an offence under the Countryside and Wildlife Act 1981 to interfere with them. If evidence of bats is found, you should stop work and contact Natural England on 0300 060 3900 or by email at [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk).

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act and the necessary measures to be taken.





**Application Number: 18/00441/FUL & 18/00442/LBC**

**The Wharf, Main Street, Hickling**

**scale 1:1000**



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# 18/00441/FUL & 18/00442/LBC

**Applicant** Mr Chris Grice

**Location** Wharf Building Adjacent Wharf House Main Street Hickling Nottinghamshire

**Proposal** Proposed extension of existing seating for tea rooms into the existing store area, forming new opening through and installation of 2No; conservation velux roof lights to main roof

**Ward** Nevile And Langar

## THE SITE AND SURROUNDINGS

1. This is a joint report in respect of the planning application under ref: 18/00441/FUL and the application for Listed Building Consent under ref: 18/00442/LBC.
2. The applications relate to a historic grade II listed detached building located on the east side of Main Street within the established urban limits of Hickling and the Conservation Area. The building is constructed from red brick with a pantile roof whilst there is a small gable roofed extension to the east elevation that was constructed following 2015 permissions for the wider change of use of the building to a tea rooms and bike hire centre. The use has commenced on site with outdoor seating areas and car parking subsequently agreed through discharge of conditions application and a non-material amendment.
3. The site takes access from the south west corner of the plot, off of the Faulks Plant Hire access road to the south of the site. The main car parking area is located to the south side of the Wharf Building with outdoor seating areas to the east and west sides of the building. The site boundaries are largely open to the north and west with minimal post and rail fencing/railings allowing an open view from of the building across the basin and from the road. To the south a circa 2m tall hedge marks the site boundary with a much taller 3.5m high Leylandii hedge to the east.

## DETAILS OF THE PROPOSAL

4. These applications seek planning permission and Listed Building Consent to use the existing internal store area that forms the eastern section of the building, as an extension to the internal seating area for the café. It should be noted that the applications as now considered are revised from the original proposals which included an extension to the building and also had the roof lights in a more prominent location.
5. The works as now considered are of limited scope, with the development to include a new internal doorway to allow access into the existing store room which is proposed to be converted to an additional internal seating area. Two new conservation roof lights are proposed to this space that would be positioned low down in the eastern roof slope, adjacent the toilet extension

and below its associated ridge line. It is also proposed that the doorway to the north elevation is fitted with a new softwood door.

6. No alterations to the existing parking area or extensions to the building are therefore proposed.

## **SITE HISTORY**

7. In September 1989 planning permission for the conversion of the building to a dwelling was refused (application ref: 89/01183/L1P). A subsequent appeal was dismissed.
8. More recently planning permission and Listed Building Consent was granted in 2015 for the change of use of the building to a cafe/tea rooms and bike hire/repairs, and construction of new toilet block (15/02151/FUL & 15/02152/LBC).
9. In 2016 (16/01363/NMA) a non-material application was accepted for a change of materials for the approved toilet block whilst in 2017 (17/02159/DISCON) an application to discharge conditions relating to details of the external seating and car parking area was considered and partially approved in relation to the external seating areas. A further non material amendment application was received and accepted in 2018 (18/00131/NMA) relating to the final car parking layout..

## **REPRESENTATIONS**

### **Ward Councillor(s)**

10. The Ward Councillor (Cllr Combellack) initially objected to the applications stating that although the use of the site was a much valued amenity in the area, the extension would increase the intensity of use on the site which would put pressure on the parking provision which has been an ongoing issue in the area since 2007. Comments were also received that velux windows would not be appropriate in a Listed Building and that she therefore reluctantly objected to the proposal.
11. Following the submission of revised plans which removed the extension and repositioned the roof lights, Cllr Combellack commented again, objecting solely to the car parking layout shown on the plans as it would have a detrimental impact on the street scene.
12. Cllr Combellack was then informed that the parking layout had been previously approved and was therefore not a matter for consideration as part of this application. She subsequently confirmed she still objected to the development as the 'conservation roof lights' would be entirely inappropriate in a building of its age and status (Grade II Listed). It was also considered the material for the conservation roof lights would not be consistent with the building.

## Town/Parish Council

13. Hickling Parish Council initially objected to the planning application (18/00441/FUL) on 20/03/2018 stating:
14. *“The Parish Council voted to object to the proposals for the following reasons.*
15. *Firstly, the Wharf Building is a listed building of significant historical importance to the village. It sits in an extremely prominent position within the Conservation Area and the shape of the building has remained unchanged since it was built in the 18th Century.*
16. *The proposed development would result in changing the shape of the building and would have a negative impact on a building of historical importance.*
17. *The proposed design is inappropriate for a listed building as the velux windows are unsuitable for a building of this age and importance. The extension and design are incompatible with the original building and surrounding area.*
18. *The car park which is already used over-intensively, resulting in customers and staff parking on the grass at the front. It is unable to cope with additional customers and the on-street parking is already an issue in this area of the village due to visitors to the Grantham Canal, Café, Pub and the two other local businesses. The grass area is of great importance because it breaks up the expanse of black hard standing which has been laid for the car park and is therefore an important landscaping feature.*
19. *The design and access statement is inaccurate and continues to discuss the 'cycling store' which is non-existent.*
20. *As an observation, the Parish Council wishes to remind the Borough Council that it has failed to address the issue relating to outstanding non-compliance with previous planning applications. These include, the signage, the imitation hoist frames, the siting of an additional building to the rear of the property and various landscaping issues.*
21. *The Parish Council remains extremely concerned that failure to enforce compliance notices on a Grade II listed building in a prominent position within the Conservation Area sets a precedent for others who may also choose to ignore the rules”*
22. The Parish Council also objected to the application for Listed Building Consent reference 18/00442/LBC, stating:
23. *“The Parish Council does not support the proposals outlined in this application.*
24. *The Listed Building is of great historical importance to the village and has remained unchanged since the 18th Century. The proposed extension would change the character of the building and the proposed design is not appropriate resulting in a detrimental impact on the historical building.*

25. *There are outstanding breaches of previous planning consents which have not been addressed by the Borough Council.*
26. On receipt of the revised plans the parish confirmed their objection remained, stating:
27. *"The objection from the Parish Council still stands as none of the concerns have been addressed in the revised proposals."*
28. Following receipt of the above comments the Parish were engaged to ensure they had noted the main alterations to the proposed development. A further comment was received confirming the following:
29. *"In relation to our recent telephone conversation, I can confirm that the objections to the current applications at The Old Wharf still stand."*
30. *The Parish Council does not feel that the business should be allowed to increase in capacity while the currently issues relating to parking and the outstanding breaches to conditions outlined in previous applications have not been resolved. The loss of the only internal storage area will result in the 'shed' becoming the only option for storage which the Parish Council feels is not a suitable solution."*

### **Statutory and Other Consultees**

31. The Borough Council's Conservation and Design Officer initially objected to the proposed development, raising concerns regarding the extension, roof lights, and use of the site and concluding that there was no 'compelling evidence to justify extension to the Grade II Listed Building'. It was concluded that the development would fail to preserve special architectural and historic character and appearance of the building as a listed building as is described as a 'desirable' objective in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
32. Following the submission of revised plans the Conservation and Design Officer commented further, removing their objection to the development. The Officer stated that the new internal doorway would represent a modest change to the fabric of the building and would not involve the loss of any features of historic or architectural significance. The omission of the previously proposed extension would also better retain the historic character and form of the building whilst the repositioned roof lights would be much less prominent. In conclusion the Officer stated that the development 'preserves' the special architectural and historic significance of the building as a listed building addressing previous concerns and complying with the 'desirable' objective described within section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
33. Nottinghamshire County Council as Highways Authority raised no objection to the proposal, but did note the deterioration of the site access from Main Street which is shared with Faulks Plant Hire. The applicant has confirmed ownership of the site access for which Faulks shares access. The Highways Authority have raised no objection to the development subject to a condition

requiring the access to be repaired with a bound surface for a minimum of 5m beyond the highway boundary.

34. The Canal and River Trust commented on the application stating that the alterations proposed are small in scale, and sympathetic to the overall character of the building. The Trust therefore concluded that the proposal would not adversely affect the character and setting of the Listed Building, and should not harm the character of the Hickling Basin as an important feature within the village conservation area.

### **Local Residents and the General Public**

35. 2 Public comments were received, one objecting to the proposed development and one neither objecting to nor supporting the proposed development. The comments can be summarised as follows:
- a. They will be led by the Conservation Officer as to whether the development is suitable in a conservation area and sympathetic to the Listed Building.
  - b. Does the application represent a change of use as the bike hire is no longer on the scheme?
  - c. The green storage shed which is 'interim' will need to be removed and there is not storage within the Wharf Building as now proposed.
  - d. Onsite parking must not be detrimental to the setting of the Listed Building.
  - e. Overspill parking onto Main Street is currently an issue/concern as raised in previous applications.
  - f. One comment neither supporting nor objecting states that given the previously permitted applications at the site, going against the wishes of residents/parish, what is the point of commenting?

### **PLANNING POLICY**

36. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the Rushcliffe Local Plan Part 1: Core Strategy.
37. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
38. Any decision should, therefore, be taken having regard to the Rushcliffe Core Strategy, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

## Relevant National Planning Policies and Guidance

39. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act states that *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*.
40. Section 66 of the Town and County Planning (Listed Buildings and Conservation Areas) Act 1990 states: *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*.
41. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *“In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*
42. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Local Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development and look for solutions rather than problems, seeking to approve applications where possible.
43. While the advice contained in section 3 ‘Supporting a prosperous rural economy’ is intended to assist the creation of local policy, the advice within section 3 makes clear that the NPPF supports sustainable growth and expansion of all types of business and enterprise within rural areas both through the conversion of existing buildings and well-designed new buildings. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations and promote the retention and development of local services and community facilities in villages.
44. Section 12 ‘Conserving and enhancing the historic environment’ is also relevant to this application. In particular Para 134 of the NPPF sets out the balancing assessment that should be undertaken when determining a proposal that affect heritage assets and states, ‘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 securing its optimum viable use’.

## Relevant Local Planning Policies and Guidance

45. The following Policies within the Core Strategy are relevant to this application:
  - Policy 10 – Design and Enhancing Local Identity.
  - Policy 11 – Historic Environment.



46. Policy 10 states that all new development must have regard to the local context including valued landscape/ townscape characteristics, and be designed in a way that conserves locally and nationally important heritage assets and preserves or enhances their settings. Policy 11 then sets out how proposals will be supported where the historic environment is conserved and/or enhanced in line with their interest and significance.
47. The following Policies within the Non-Statutory Local Plan are relevant to this application:
- GP1 - Delivering Sustainable Development
  - GP2 - Design and Amenity Criteria
  - EN2 - Conservation Areas
  - EN4 – Listed Buildings
48. Policy GP1 sets put the principles of sustainable development whilst policy EN4 states that planning permission for extensions to, alterations to or the conversion of listed buildings will only be granted where it can be shown that features of architectural or historic interest are preserved. One further criterion seeks to ensure that the proposals respect the character of the building by virtue of their design, scale, siting and materials, ensuring any additions do not detract from the historic or architectural character of the building.
49. Policy EN2 states that planning permission for development including changes of use and alterations or extensions to existing buildings within a designated conservation area, or outside but affecting views into or out of the conservation area will be granted where:
- A) The proposal would preserve or enhance the character or appearance of the conservation area by virtue of its use, design, scale, siting and materials.
  - B) There will be no adverse impact upon the form of the conservation area including its open spaces, existing buildings and notable features.
50. Policy GP2 – Design and Amenity Criteria states that planning permission for new development, changes of use, conversions or extensions will be granted provided that the scale, density, height, massing, design, layout and materials of proposals are sympathetic to the character and appearance of neighbouring buildings and the surrounding area; that they do not lead to an over-intensive form of development; and that they are not overbearing in relation to neighbouring properties, and do not lead to undue overshadowing or loss of privacy.

## **APPRAISAL**

51. The main material planning considerations in the determination of the planning application are whether the development would have any impact on the amenity of neighbours or the wider area, whether the development would have any impact on the historic and architectural significance of the building or character of the conservation area as well as any highways considerations.

52. In relation to the amenity of nearby residents, the tea rooms use is well established on site. The application as now considered proposes to convert an internal store room into a further seating area for the use of patrons. Given no extensions are proposed, and the area to be converted would measure a modest 8.75m by 3m it is not considered that the proposal would result in any significant intensification of use of the site. Given the above, the indoor nature of the seating and the distance to residential neighbours, it is not considered that the proposal would cause any harm to the amenity of any nearby residents.
53. In terms of design the proposal includes very minimal alterations to the exterior of the building. The two proposed conservation roof lights to the east facing roof slope would be situated in the south east corner of the roof, adjacent the roof of the toilet extension and set lower than the ridge of the toilet building. Given this, the roof lights would have little to no visibility from any publically available views of the building. The comments from the Parish and the Ward Councillor stating roof lights would be inappropriate in the building are noted, however conservation roof lights are specifically designed for use in heritage buildings. It is therefore considered that given the design of the windows, and the discreet positioning, the features would not harm the special architectural and historic significance of the building, or character of the wider conservation area. This is in line with comments from the Conservation and Design Officer.
54. The proposed internal doorway would require the removal of a section of existing wall. It is considered that the removal of the section of wall would only represent a modest change to the fabric of the building and would not involve the loss of any features of historic or architectural significance. This element of the scheme is therefore not considered to raise any concerns.
55. The scheme proposes a wooden framed door in the opening to the north elevation. It is noted that this doorway has been fitted with a Upvc door and frame which is subject to separate action. Nonetheless this application proposes that the unauthorised Upvc frame is removed and replaced with a wooden frame appropriate to the building. At this stage no details of the wooden frame are available however the applicant has submitted a supporting letter stating their intent to replace. A condition on the Listed Building consent to require the submission of details prior to the use commencing is considered appropriate and necessary. Furthermore any Listed Building Consent that may be forthcoming must preserve the historic and architectural significance of the building. It is therefore considered appropriate to ensure the wooden frames are in place prior to the use of this part of the building commencing, securing the preservation of the historic and architectural character of the building by securing the removal of the existing inappropriate Upvc frame.
56. Given the discussions above, it is considered that development 'preserves' the special architectural and historic significance of the building as a listed building addressing previous concerns and complying with the 'desirable' objective described within section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Given the above it is also concluded that the development successfully 'preserves' the identified special architectural and historic character of the Hickling Conservation Area, complying with the

'desirable' objective described within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

57. In relation to highways matters, Nottinghamshire County Council as Highways Authority have raised no objections. They have noted the deterioration of the site access from Main Street which is also used by Faulks Plant Hire and have requested a condition that this access is resurfaced in a bound material for no less than 5m behind the highway boundary. Given the proposal would result in a minor intensification of use on the site, it is considered that there is scope to support such a condition. The concerns of the parish and local residents are noted however in the absence of any technical concerns with the parking provision on site it is not considered that a reason for refusal on such grounds could be sustained. The proposed development would represent a very limited intensification of use on the site and in conclusion it is considered that the proposal would not result in a material impact on highway safety at the site or highway network in the area.
58. The numerous comments relating to existing 'breach of conditions' and 'enforcement matters' on the site are noted, however these are subject to separate enforcement action where expedient and should not influence the determination of current or future applications on the site. The comments relating to storage are also noted and whilst the scheme would reduce storage space on site, any other new buildings proposed would require planning permission and would need to be assessed on their own merits.
59. The further comment relating to the bike hire business previously approved as part of the development are also noted. At this time this element of the business plan has not been implemented due to the success of the tea rooms. The current use of the unit solely as a tea rooms would not represent any material change of use from that as originally approved.
60. Given the above, it is considered that the proposed development accords with the relevant aims of the NPPF, Local Plan Part 1- Core Strategy and the Non-Statutory Replacement Local Plan. Accordingly, it is recommended that planning permission and Listed Building Consent are granted.
61. The application was not the subject of pre-application discussions. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and concerns raised in letters of representation. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

## **RECOMMENDATION**

- (i) 18/00441/FUL - It is RECOMMENDED that planning permission be granted subject to the following condition(s)
1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plan: 'TW - 2018 - 01 - R1'; 'TW - 2018 - 02 - R1' & 'TW - 2018 - 03 - R2' received on the 22/03/2018 & 24/04/2018.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. Prior to the use of the additional internal seating area commencing the vehicular access on Main Street shall be surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary. The access shall then be maintained in the bound material for the lifetime of the development.

[In the interests of highway safety].

AND

- (ii) 18/00442/LBC - It is RECOMMENDED that Listed Building Consent be granted subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plan: 'TW - 2018 - 01 - R1'; 'TW - 2018 - 02 - R1' & 'TW - 2018 - 03 - R2' received on the 22/03/2018 & 24/04/2018.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. Prior to the commencement of development at the site further details of new window and door joinery shall be submitted to and approved in writing by the Borough Council. Thereafter the development shall be carried out in accordance with the approved details.

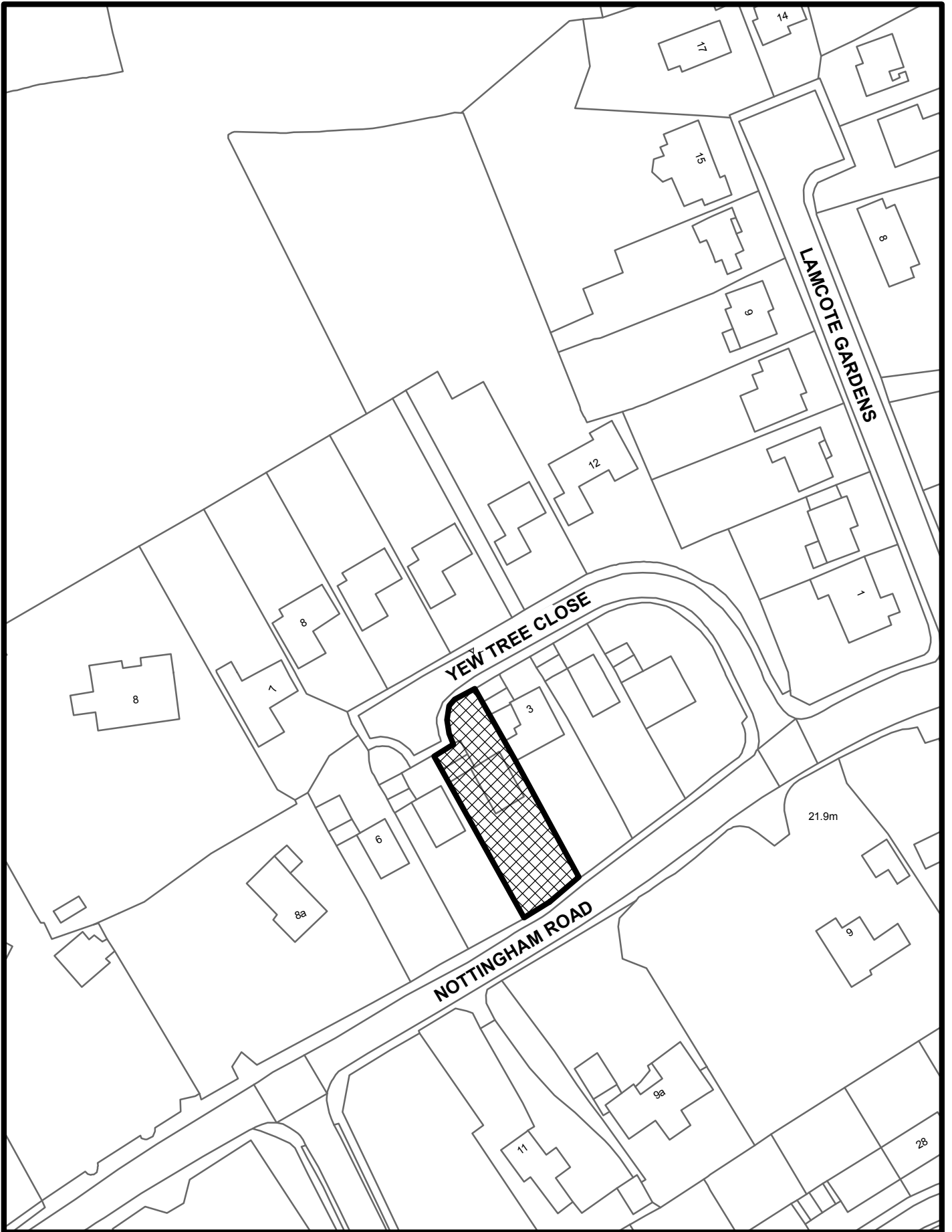
[In order to ensure an appropriate and sensitive development and to protect the character and appearance of the listed building in accordance with the aims of Policy EN4 of the Rushcliffe Borough Non-Statutory Replacement Local Plan. The condition is pre-commencement in order to avoid insensitive alterations to the listed building being carried out.]

4. The use of the extended internal seating area hereby approved shall not commence until such time as the existing Upvc door to the north elevation of the room has been removed and replaced in accordance with the details agreed in condition 3.

[In order to ensure an appropriate and sensitive development and to protect

the character and appearance of the listed building in accordance with the aims of Policy EN4 of the Rushcliffe Borough Non-Statutory Replacement Local Plan. The condition is pre-commencement in order to avoid insensitive alterations to the listed building being carried out.]

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**Application Number: 18/00494/FUL**  
**4 Yew Tree Close, Radcliffe on Trent**



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# 18/00494/FUL

**Applicant** Mr Leigh Birch

**Location** 4 Yew Tree Close Radcliffe On Trent Nottinghamshire NG12 2AZ

**Proposal** Single-storey side extension with raised patio, new hipped roof to existing dormer, new infill garage, and replacement open porch.

**Ward** Radcliffe On Trent

## THE SITE AND SURROUNDINGS

1. The application site is a detached dormer bungalow on the southern side of Yew Tree Close. The dwellings on this side of the road are all dormer bungalows of a similar design and age, being built c. early 1970's. The opposite side of Yew Tree Close is made up of fairly large two storey detached houses. The rear garden extends down to Nottingham Road.
2. The bungalow is of traditional construction being red brick with dark concrete roof tiles. There is feature deep wavy edge timber cladding to the apex of the front gable.

## DETAILS OF THE PROPOSAL

3. The current application seeks planning permission for a single storey side extension with raised patio a new hipped roof to an existing side dormer the creation of a new infill garage and the provision of a replacement open porch.

## REPRESENTATIONS

### Ward Councillor(s)

4. One Ward Councillor (Cllr Upton) has declared a non-pecuniary interest in the application.

### Town/Parish Council

5. Radcliffe on Trent Parish Council raises no objection to the application.

## PLANNING POLICY

6. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014).
7. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).

8. Any decision should therefore be taken in accordance with the Core Strategy, the NPPF and NPPG, policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Framework, together with any other material planning consideration

### **Relevant National Planning Policies and Guidance**

9. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Local Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development and look for solutions rather than problems, seeking to approve applications where possible. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social and environmental. One of the core planning principles of the NPPF state that planning should, *'Always seek to secure high quality design and a good standard amenity for all existing and future occupants of land and buildings.'*

### **Relevant Local Planning Policies and Guidance**

11. The Rushcliffe Local Plan Part 1: Core Strategy was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028. Policies 1: 'Presumption in Favour of Sustainable Development' and 10: 'Design and Enhancing Local Identity' are relevant.
12. None of the 5 saved policies of the Rushcliffe Local Plan are relevant to this application.
13. The Rushcliffe Borough Non-Statutory Replacement Local Plan (RBNSRLP) is a material consideration. Whilst not part of the Development Plan, the Borough Council has adopted the RBNSRLP for development control purposes in the determination of planning applications. Policy GP2 (Design and Amenity Criteria) is relevant.
14. The Radcliffe-on-Trent Neighbourhood Plan was adopted in October 2017 and now forms part of the development plan for Rushcliffe. Of particular reference are policies 14 (Design and Layout), and 15 (Local Architectural styles) of the plan. These policies seek new development to make a positive contribution towards the identity and character of the village by reinforcing locally distinctive design and architecture taking account of scale, mass, layout, design and materials.

### **APPRAISAL**

15. The proposed single storey side extension would be 26m from the rear boundary onto Nottingham Road. It would be on the boundary with the dwelling to the west, no. 5 Yew Tree Close. It would have a width of 4.52m and a length of 3.915m. It would have an eaves height of 2.3m and a central ridge height of 4.6m, the central ridge would be 2.2m from the boundary and 4m from the side elevation of no. 5 Yew Tree Close. There would be a parapet wall on the boundary to a height of 3.05m.

16. There is currently a 1.8m close boarded fence with attached trellising forming the boundary between the two dwellings. The siting of the parapet wall of the side of the proposed extension would see an increase in height of 1.25m. In the side elevation of no. 5 Yew Tree Close there is an entrance door and 2 obscurely glazed windows.
17. Given the pitched roof design, the position and orientation of the two dwellings and the lack of habitable room windows in the side elevation on no. 5 it is not considered that the proposed side extension would have a detrimental effect on the residential amenities of n. 5 Yew Tree Close in terms of over-looking or over-shadowing.
18. It is proposed to include a raised decked area adjacent the rear elevation of the side extension to an additional length of 1.8m and to a height of approximately 280mm above ground level. It is not considered that the provision of this platform would lead to unacceptable harm to the amenities of the adjacent dwelling.
19. There would be minimal views of the side extension from the public realm and it is not considered that the street scene or the area in general would be detrimentally affected by the side extension.
20. It is also proposed to change the existing flat roof dormer window on the side west side elevation with a hipped tiled roof. The general size of the dormer would not increase and the hipped roof would have an additional height of 1.1m to its ridge, 200m below the maximum ridge height of the original dwelling.
21. It is considered that a hipped roof design would reduce any impact on the neighbouring dwelling ensuring the dormer does not dominate the side elevation and be over-bearing. No additional windows are proposed in the dormer and it is not considered that the provision of the hipped roof would lead to unacceptable harm to the residential amenities of no. 5 Yew Tree Close.
22. The new dormer roof would be visible from the public realm, however it is considered that the proposed design would be an improvement to the existing flat roof, tiles would match the existing dwelling ensuring the proposal does not appear as an incongruous feature within the street scene.
23. A replacement open porch is proposed on east elevation over the main entrance to the dwelling. The existing porch consists of a flat felt covered roof extending 1.8m from the side elevation of the dwelling with a supporting metal corner pole. The proposed porch would be a flat roofed canopy with gallows brackets extending 700mm from the side elevation. It is not considered that the new porch canopy would have a detrimental effect on the neighbouring dwelling at no. 3 Yew Tree Close or the street scene in general, indeed as with the dormer roof it is considered that it would be an improvement to the dwelling and its contribution to the street scene.
24. Finally a new garage door and a pedestrian access door would be fitted to the existing open car port creating a new garage and internal lobby/garden store. These features would have little impact on the street scene, and no

impact on nearby properties.

25. It is considered that the proposal complies with planning policies including those within the neighbourhood plan and would not have a detrimental impact on the residential amenity of the neighbouring properties or the street scene in general and it is therefore recommended that planning permission be granted for the proposed development.
26. There were no perceived problems with the application and therefore no requirement for negotiation with the applicant/agent or the need to request any amendments.

## **RECOMMENDATION**

It is **RECOMMENDED** that planning permission be granted subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plan(s): FB17-1107-PL01, PL02 and PL03 received on 27 February 2018.

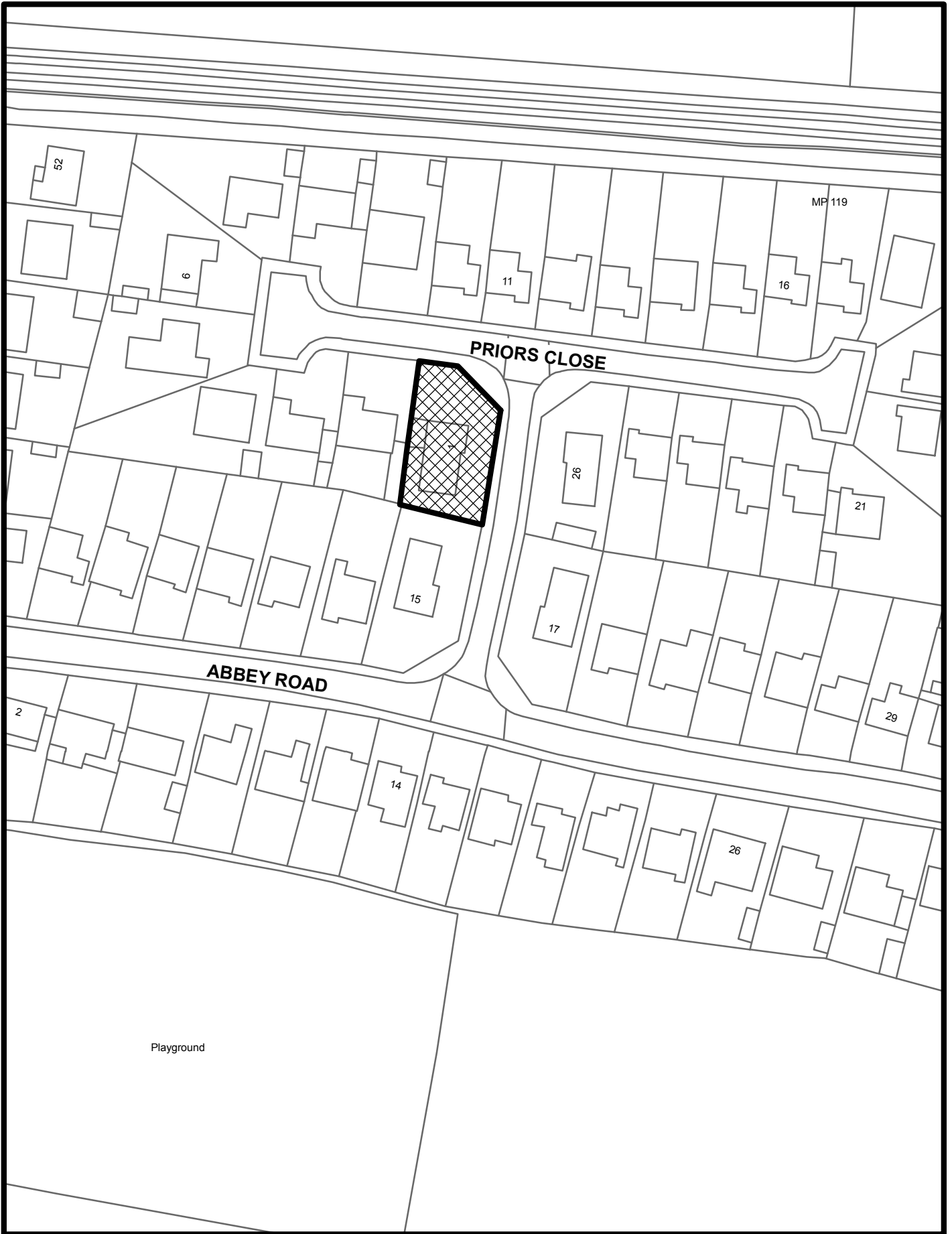
[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. The materials specified in the application shall be used for the external walls and roof of the development hereby approved and no additional or alternative materials shall be used.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

## **Notes to Applicant**

You are advised that your property falls within an area identified to be at risk of flooding in the Environment Agency's Flood Risk Maps. It is therefore recommended that the design and construction of the extension incorporates advice with regard to flood resilience and resistance techniques which is available to view on the Environment Agency's website.



**Application Number: 18/00242/FUL**

**1 Priors Close, Bingham**

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# 18/00242/FUL

**Applicant** Jason Hull

**Location** 1 Priors Close Bingham Nottinghamshire NG13 8EP

**Proposal** Replacement of boundary treatment with new fencing and trellis, removal of overgrown trees, and new driveway access.

**Ward** Bingham East

## THE SITE AND SURROUNDINGS

1. The site comprises a bungalow situated on a corner plot on an estate of similar aged properties with a mix of single storey and two storey properties.
2. The boundary treatment along the frontage formerly comprised paling fencing with a mixture of shrubs and small trees behind. The applicant has stated that the fence between 1 Priors Close and 15 Abbey Road was 7 to 8ft tall.

## DETAILS OF THE PROPOSAL

3. The application, which is retrospective, relates to the removal of the existing fencing, bushes and trees and replacement with a combination of concrete kickboard with fencing topped by trellis with overall height of 1.5m on the boundary with 2 Priors Close, 1.8m on the north and east boundaries and concrete kick board with close boarded fencing to a height of 2m to the boundary with 15 Abbey Road. The existing access has been closed off and a block paved access with car standing has been formed on the eastern side of the dwelling. Since the original submission revised plans have been submitted to reflect what has been erected on site.

## SITE HISTORY

4. There is no relevant site history.

## REPRESENTATIONS

### Ward Councillor(s)

5. One Ward Councillor (Cllr Hull) has declared a non-pecuniary interest.
6. One Ward Councillor ( Cllr Davidson) does not object

### Town/Parish Council

7. The Town Council does not object.

### Statutory and Other Consultees

8. The County Council as Highway Authority raised no objection subject to the proposed fencing not being erected until the existing crossing which is to be

made redundant has been reinstated to footway, and the new driveway is fronted by a vehicular crossing spanning its full width. They also recommended that the proposed fencing should not be erected until the access driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, drained to prevent the discharge of surface water from the driveway to the public highway, the bound material and the provision to prevent the discharge of surface water to the public highway to be retained for the life of the development.

### **Local Residents and the General Public**

9. No representations received.

### **PLANNING POLICY**

10. The Development Plan for Rushcliffe comprises of the Local Plan Part 1 - Core Strategy (LPCS) and the 5 saved policies of the Rushcliffe Borough Local Plan 1996.
11. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) (RBNSRLP). Whilst not part of the development plan the Borough Council has adopted the Rushcliffe Borough Non-Statutory Replacement Local Plan for the purposes of Development Control and this is considered to be a material planning consideration in the determination of planning applications where still in compliance with the NPPF.
12. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that, for decision taking, this means “approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:  
Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in the Framework indicate development should be restricted”.

### **Relevant National Planning Policies and Guidance**

13. Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development whilst one of the core strategies of the NPPF (paragraph 17) advocates high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

### **Relevant Local Planning Policies and Guidance**

14. LPCS Policy 10 (Design and Enhancing Local Identity) states that development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development should be assessed in terms of the criteria listed under section 2 of Policy 10 and of particular relevance to this application are 2(b) whereby the proposal shall be assessed in terms of its



impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.

15. In the context of the RBNSRLP, the relevant policy is GP2 (Amenity and Design), which requires that any developments are sympathetic to the character and appearance of neighbouring buildings and the surrounding area in terms of scale, design, materials, etc., do not have a detrimental impact on the amenity of neighbours by reason of overlooking, loss of light, overbearing impact or the type of activity proposed and a suitable means of access and parking facilities can be provided.

## **APPRAISAL**

16. Taking into account the sites corner location and the length of the fencing which has been erected it is considered to be unduly prominent and obtrusive in the street scene and therefore detrimental to the visual amenity of the area. As it has been erected adjacent to the back of the footpath, there is no space available to carry out landscaping which might soften its appearance.
17. Whilst the fencing would provide privacy for the residents of the bungalow, this could have been achieved by a combination of fencing and landscaping and it is not considered that this benefit outweighs the detrimental visual impact of the fencing as erected.
18. Whilst the access and car standing have been constructed, the cut-off drain recommended by the County Council has not been provided. However, they have confirmed that this in itself would not justify a reason to refuse planning permission. The site is relatively flat and surface water run off to the highway is unlikely to be significant.
19. There is a fundamental objection to the proposal and it is considered that this cannot be overcome. The applicant has been made aware of the situation in writing and has requested that a decision is made on the application rather than delayed by further discussions.

## **RECOMMENDATION**

It is RECOMMENDED that planning permission be refused for the following reason(s)

1. The development is obtrusive, out of character in the street scene and detrimental to the visual amenity of the area. It is, therefore, contrary to Local Plan Core Strategy Policy 10, which states that development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics.
2. The development is contrary to policy GP2 (Amenity and Design) of the Rushcliffe Borough Non Statutory Replacement Local Plan which requires that, inter alia, any developments are sympathetic to the character and appearance of neighbouring buildings and the surrounding area in terms of scale, design, materials, and do not have a detrimental impact on the amenity of neighbours.

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