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Our reference:
Your reference:
Date: Wednesday, 6 February 2019



**Rushcliffe Community
Contact Centre**

Rectory Road
West Bridgford
Nottingham
NG2 6BU

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First Saturday of
each month
9am - 1pm

By telephone
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Postal address
Rushcliffe Borough
Council
Rushcliffe Arena
Rugby Road
West Bridgford
Nottingham
NG2 7YG

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 14 February 2019 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 'S Sull'.

Sanjit Sull
Monitoring Officer

AGENDA

1. Apologies for Absence and Substitute Members (Pages 1 - 2)
2. Declarations of Interest
 - a) Under the Code of Conduct
 - b) Under the Planning Code
3. Minutes of the Meeting held on 17 January 2019 (Pages 3 - 10)
4. Planning Applications (Pages 11 - 58)
The report of the Executive Manager - Communities.
5. Planning Appeals (Pages 59 - 62)
The report of the Executive Manager - Communities.

Membership

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



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18/02842/FUL

Applicant Mr Rex Walker

Location Paradise Farm, The Rushes, Gotham

Proposal Insert 2no. Velux conservation windows in north facing roof slope, insert bifold doors and gable window in east facing gable, and insert first floor window in east facing elevation.

Ward Gotham

LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Additional information

RECEIVED FROM: Applicant's agent

SUMMARY OF MAIN POINTS:

The applicant's agent provided additional information in respect of the conversion of the dovecote and requested that this be considered prior to determination to avoid the need for a building recording condition. The additional information included a detailed drawing of the dovecote conversion (Ref. TC/1801/3A) and a number of photographs. The main points to note are set out below:

- The dovecote conversion has been designed in such a way to cause minimum disruption to the remaining features. The converted part will be raised above the level of most of the nesting boxes and above an old timber beam which appears to be the remains of an old truss. There will be steps up from the existing bedroom to access this level.
- Five rows of nesting boxes will be removed from the gable wall and only one row from the other two walls. All the others can remain as the floor will be supported on two new steel beams. There may be a small amount of damage where the beams are built into the walls but the nesting boxes can be repaired once these are in place.
- There will be a void containing the remaining nesting boxes below the new floor and there will be external access to this void via the original dovecote access hatch in the wall. Should anyone wish to see the nesting boxes in the future they can access the remains of the dovecote via this hatch.
- The dovecotes in the existing sitting room on the ground floor will also remain.

PLANNING OFFICERS COMMENTS:

The Council's Conservation & Design Officer provided the following comments on the additional information submitted:

- This additional information shows that some elements of the brick nesting boxes within the dovecote would be retained within a sub-floor void, although this space would then be largely inaccessible.
- The photographs and plans are useful as part of a record but the usefulness would be vastly improved if the positions from which the photographs were taken, and the directions they were taken in, were annotated onto the plans. In addition a scaled drawing of a cluster of 4 nesting boxes (2x2) would further help to define the scale of these features.
- Provided this information can be supplied in advance of the planning committee meeting, allowing sufficient time for the Conservation and Design Officer to consider the information, it may be possible to agree to the removal of this condition.

Following receipt of additional information, the Conservation and Design Officer advises that the information submitted is sufficient for the purposes of the recording of this feature of the non-designated heritage asset and obviates the need for the condition. Therefore, the recommendation in the agenda is amended to omit condition 4.



**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 17 JANUARY 2019**

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

PRESENT:

Councillors R Butler (Chairman), J Stockwood (Vice-Chairman), B Buschman,
J Donoghue, M Edwards, R Hetherington, S Hull, Mrs M Males, S Mallender,
Mrs J Smith and J Thurman

ALSO IN ATTENDANCE:

Councillors A Edyvean, R Inglis and R Jones

OFFICERS IN ATTENDANCE:

L Webb	Constitutional Services Officer
O Pennington	Area Planning Officer
A Pegram	Service Manager - Communities
I Norman	Legal Services Manager

APOLOGIES:

Councillors N Clarke and F Purdue-Horan

29 Declarations of Interest

Councillor S Mallender declared an interest on application 18/02456/FUL.

30 Minutes of the Meeting held on 13 December 2018

The minutes of the meeting held on Thursday 13 December 2018 were accepted as a true record and were signed by the Chairman.

31 Planning Applications

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

18/02286/FUL - Demolish existing bungalow and erect 4 no. semi-detached dwellings (resubmission) – Whitegates 9 Thelda Avenue, Keyworth, Nottinghamshire

Updates

A representation from a neighbour objecting to the application was received after the agenda had been published and was circulated before the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee Mrs Susan Poole (objector) and Councillor Rob Inglis (ward Councillor) addressed the meeting.

Comments

Members of the committee considered that the proposal would have an overbearing and overshadowing impact on windows in the side elevation of the neighbouring property (Greenacres), serving the lounge, by reason of the height, massing and proximity of the buildings to the boundary with this property, to the detriment of the amenities of the occupants of this property.

DECISION

THE ABOVE PLANNING APPLICATION WAS REFUSED PLANNING PERMISSION FOR THE FOLLOWING REASON.

1. The proposal, by reason of the height and massing of the dwellings and proximity of the pair to the northern boundary of the site, would result in an overbearing and overshadowing impact to the side windows of the neighbouring property at 'Greenacres', thereby having a detrimental impact on the residential amenity of occupiers of this neighbouring property, contrary to paragraph 127 of the National Planning Policy Framework (NPPF) 2018 which, amongst other things, requires developments to create places with a high standard of amenity for existing and future users, Policy GP2 (Amenity and Design) of the Rushcliffe Borough Non Statutory Replacement Local Plan and the objectives of the Rushcliffe Residential Design Guide which seek to safeguard the amenities of neighbouring occupiers from unacceptable impacts, including through loss of daylight and overbearing impacts.

18/02578/FUL - Proposed erection of new dwelling.- Land south west of 98 Nicker Hill, Keyworth, Nottinghamshire.

Updates

Representations from the Lead Local Flood Authority (LLFA) and the applicant's agent were received after the agenda had been published and were circulated before the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee Mr Gary Neill (objector) and Councillor Andy Edyvean (ward Councillor) addressed the meeting.

Comments

Members of the committee considered that the proposed access and parking arrangements, and increase in vehicular movements generated by the development would give rise to noise and disturbance to the neighbouring properties to the detriment of the amenities of the occupiers of those dwellings.

DECISION

THE ABOVE PLANNING APPLICATION WAS REFUSED PLANNING PERMISSION FOR THE FOLLOWING REASON.

1. The proposal would be likely to generate increased vehicular movements and lead to reduced parking space for 184 Mount Pleasant which would result in a detrimental impact to the residential amenity of the neighbouring properties at number 182 and 184 Mount Pleasant by reason of increased noise and disturbance from vehicle movements, contrary to paragraph 127 of the National Planning Policy Framework (NPPF) 2018 and Policy GP2 (Amenity and Design) of the Rushcliffe Borough Non Statutory Replacement Local Plan.

18/02716/OUT - Development of one detached dwelling with new access (Outline application with all matters reserved except for access) (resubmission) – 63 Moor Lane, Gotham, Nottinghamshire

Updates

A representation from the applicant was received after the agenda had been published and was circulated before the meeting.
In accordance with the Council's Public Speaking Protocol for Planning Committee Mr Simon Horner (the applicant) addressed the meeting.

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASON SET OUT IN THE REPORT.

1. The proposal would result in an inappropriate form of development in the Green Belt, which is harmful by definition, and also to the openness and character of the Green Belt at this location. It is not considered that 'very special circumstances' exist or have been demonstrated to outweigh this harm. Therefore, the proposal is contrary to the policies contained in the National Planning Policy Framework which are applicable to development in the Green Belt and Policy ENV14 of the Rushcliffe Borough Non-Statutory Replacement Local Plan which states:

"Within the green belt as defined on the proposals map planning permission will only be granted for appropriate development for the following purposes:

- a) agriculture, and forestry
- b) for other uses which preserve the openness of the green belt, including essential facilities for outdoor sport and recreation and for cemeteries;
- c) alteration and limited extension or replacement of existing dwellings;
- d) limited residential infilling in existing settlements within the green belt.

Planning permission will not be granted for inappropriate development,

including the construction of new buildings other than those set out in the criteria, unless very special circumstances can be shown to outweigh the resulting harm to the green belt"

18/01115/FUL – Single storey extension (retrospective change to previous planning permission 17/02766/FUL) – 62 Repton Road, West Bridgford, Nottinghamshire.

Updates

There were no updates.

In accordance with the Council's Public Speaking Protocol for Planning Committee Surrinder Kaur (applicant), Mr Randell (objector) and Councillor Rod Jones (ward councillor) addressed the meeting.

DECISION

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

1. The development hereby permitted shall be carried out in accordance with the Floor Plans (1:50), Site Plan (1:500) and Site Location Plan (1:1250) received on 14 May 2018 and the revised elevations (scale 1:100) received on 2 January 2019.

[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. Within two months of the date of this permission, with the exception of the two top hung opening casement windows, the glazing in the window in the north elevation of the single storey extension shall be replaced with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent and the window shall be retained as non-opening. Thereafter, the window shall be retained to this specification for the lifetime of the development.

[To protect the amenity of the neighbouring property 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no additional windows, doors or openings of any kind shall be formed in the north (side) or south (side) elevations of the approved development without first obtaining the relevant planning permission to do so.

[To safeguard the reasonable residential amenities of adjoining

properties and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

4. Other than for general maintenance, cleaning and repairs the flat roofed area shall not be accessed for any purpose incidental to the enjoyment to the occupiers of the property, nor shall the flat roofed area be used as a balcony/terrace at any time.

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

5. Within 6 months of the date of this decision the overall height of the extension shall be reduced (by removing courses of brickwork from the parapet wall) to accord with the approved plans (received by the Borough Council on 2 January 2019) which show the extension to have a maximum height of 3.675 metres above ground level.

[For avoidance of doubt, in the interest of the amenities of neighbouring properties 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 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.

18/02456/FUL – Two storey side extension; single storey front and rear extensions; raised patio area and rendering of extension and existing property – 119 Gertrude Road, West Bridgford, Nottinghamshire.

Updates.

There were no updates reported.

As ward councillor for Lady Bay Councillor Sue Mallender withdrew from the committee for the consideration of this item.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Mrs Morley (applicant), Friedel Plant (objector) and Councillor Sue Mallender (ward councillor) addressed the committee.

DECISION

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

DECISION

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): 18-1629-1, 18-1629-2.

[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 and the agents email of 12 November 2018 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].

4. Prior to the raised patio being brought in to use privacy screens with a height of 1.8m above the level of the patio shall be installed on both side boundaries for the full length of the patio, in accordance with details to be first submitted to and approved by the Borough Council. Thereafter, the privacy screens shall be retained in accordance with the approved details for the lifetime of the development.

[For the avoidance of doubt and to comply with policy GP2 (Design & 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.

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.

Councillor Sue Mallender rejoined the Committee at this point.

18/0145/FUL – 2 storey side extension – 5 Pendock Court, Tollerton, Nottinghamshire, NG12 4FN

Updates

There were no updates reported.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Ashley Murdock (applicant), Neville Denham (objector) and Councillor Debbie Mason (ward Councillor) addressed the committee.

DECISION

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

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): M.PC.02 Rev D (Proposed Plans), received on 8 October 2018; Site/ Block plan Rev A, received on 27 November 2018; and M.PC.P5 (Parking Plan), received on 30 November 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 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. The first floor window in the rear elevation of the proposed development shall be permanently fixed shut and fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or

equivalent. Thereafter, the window shall be retained to this specification.

[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]

5. Prior to parking space 2 being brought into use it shall be surfaced in block paving in accordance with the details submitted on the Proposed Parking Plan (drawing number M.PC.P5)

[To ensure the satisfactory appearance of the development in accordance with Policy Gp2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

The meeting closed at 10.13 pm.

CHAIRMAN



Application Number: 18/02746/FUL
54 Park Lane, Sutton Bonington

scale 1:1000

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Planning Committee

14 February 2019

Planning Applications

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 <https://democracy.rushcliffe.gov.uk/ieListMeetings.aspx?Committeeld=140> 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>

Application	Address	Page
18/02746/FUL	54 Park Lane Sutton Bonington Nottinghamshire Partial demolition of dormer bungalow and construction of single and two storey extensions to form two storey dwelling (revised scheme)	13 - 22
Ward	Sutton Bonnington	
Recommendation	Planning permission be granted subject to conditions.	
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18/02494/FUL	8 Cherry Street Bingham Nottinghamshire New two storey side extension, single storey rear extension.	23 - 32
Ward	Bingham East	
Recommendation	Planning permission be granted subject to conditions.	
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18/02321/VAR	30 Long Acre Bingham Nottinghamshire Variation of condition 5 of 18/00962/COU to allow change of weekday opening hours from 09:00 – 17:00 to 09:00 – 20:00	33 - 40
Ward	Gotham	
Recommendation	Planning permission be granted subject to conditions.	
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Application	Address	Page
<u>18/02645/FUL</u>	4 Brown Lane Barton In Fabis Nottinghamshire	41 - 48
	Single storey front extension, single storey side and rear extension and two storey rear extension.	
Ward	Gotham	
Recommendation	Planning permission be refused.	
<hr/>		
<u>18/02842/FUL</u>	Paradise Farm The Rushes Gotham Nottinghamshire	49 - 56
	Insert 2no. Velux conservation windows in north facing roof slope, insert bifold doors and gable window in east facing gable, and insert first floor window in east facing elevation.	
Ward	Gotham	
Recommendation	Planning permission be granted subject to conditions.	
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18/02746/FUL

Applicant Mr & Mrs Hall

Location 54 Park Lane Sutton Bonington Nottinghamshire LE12 5NH

Proposal Partial demolition of dormer bungalow and construction of single and two storey extensions to form two storey dwelling (revised scheme).

Ward Sutton Bonington

THE SITE AND SURROUNDINGS

1. The application relates to a detached dormer bungalow on the southern edge of Sutton Bonington, on the west side of Park Lane in an established residential area, which is characterised by detached properties situated on generous plots. The style and character of the properties varies in construction form and scale. To the rear of the site is open countryside.
2. The application site is situated between a hipped roof bungalow to the south at 56 Park Lane and a dormer bungalow at number 52 Park Lane to the north. Numbers 48 and 50 Park Lane are two storey properties.

DETAILS OF THE PROPOSAL

3. It is proposed to construct two storey and single storey extensions to the existing property to create a two storey dwelling (4 bed). The proposal involves a single storey extension to the front to provide enlarged dining room, garage and study. Three gables at first floor level to the front elevation and one gable to the rear elevation are also proposed. The extension at the rear would be single storey with a depth of 3.95 metres adjacent to the boundary with 52 Park Lane, stepping out and projecting 6.58 metres from the rear elevation of the existing dwelling, adjacent to the boundary with number 56 Park Lane, with a first floor element over part of the extension. The additions also involve a two storey element on the south side of the property, adjacent the boundary with No. 56.
4. The height proposed is 7 metres to the ridge at the highest point and 4.2 metres in height to the eaves of the two storey element. This is in contrast to the existing property, which is 6.1 metres in height to the ridge and 2.5 metres in height to the eaves. For the most part the building would not increase in height over and above that of the original dwelling. Materials proposed are London Heather brick and Marley Anglia Interlocking Concrete roof tiles.
5. The main changes from the previous application are the proposal shows a gable end design instead of a hipped roof and is 7 metres in height to the ridge (at the highest point) rather than 7.9 metres, with the ridge line to the majority of the property remaining at the same height as the existing property. The single storey extension adjacent the boundary with number 52 Park Lane has been reduced from 6.6 metres to 3.95 metres. The depth of the proposed extension has increased from 5.1 metres to 6.58 metres adjacent the boundary

with 56 Park Lane, but is no longer proposed to be built right up to this boundary.

6. Further supporting information has been submitted on behalf of the applicant confirming that the applicant has given close consideration to the previous decision, and on the Inspector's subsequent decision, and has sought to address the concerns. The main issues are the impact on both neighbouring properties and on the character of the area.
7. This information highlights that the ridge height has been lowered to a comparable height with the neighbouring properties, and the front extensions have been reduced so the overall bulk and mass has been reduced. The applicants firmly believe the predominant character in the area is two storey dwellings, and the proposal is wholly characteristic of the area and its surroundings, in accordance with the NPPF and Core Strategy Policy 10.
8. The letter goes on to say that the current proposal reduces the scale and massing to the neighbouring property at number 52. With regard to number 56, the two storey element does not project beyond the rear of this neighbour's conservatory, views of the proposal would be limited from this conservatory. Policy GP2 of the Non-Statutory Replacement Local Plan states (amongst other things) that new development should not have an overbearing effect on a neighbouring property. In addition, paragraph 127(f) of the NPPF states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. They consider the proposal accords with both policy GP2 and the NPPF.

SITE HISTORY

9. Insertion of bay window to front was approved in October 1984 (84/01612/P1P)
10. An application for the demolition of garage, remodelling of dormer bungalow to form two storey dwelling with side and rear extensions (ref: 17/03015/FUL) was refused for the following reason:

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;*

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.

11. This decision was the subject of a subsequent appeal which was dismissed. The Inspector appointed to determine the appeal considered the proposal would be overly dominant and appear cramped within the plot especially in contrast to the neighbouring properties, thereby having an unacceptable harm to the character of the area. The Inspector also considered that the proposal would have a detrimental impact on the residential amenity to the neighbouring property at number 52 Park Lane, in particular the impact on the southerly facing side windows at ground and first floor and the impact of the proposed two storey nature of the development adjacent to the boundary with this property.

REPRESENTATIONS

Ward Councillor(s)

12. The Ward Councillor (Cllr. Brown) objects to the application. He considers the proposal still represents overdevelopment of the plot with the boundaries too close to existing houses, harming the living conditions to neighbours through loss of outlook and sunlight due to its size. It will be out of character with surrounding properties. This revised application does not sufficiently reflect the Inspector's comments from the recent appeal decision. In addition, the Inspector considered the proposal would have an unacceptable impact on the living conditions to the neighbouring property at number 52 Park Lane with regard to outlook and direct sunlight.

Town/Parish Council

13. Sutton Bonington Parish Council object to the application. The proposal would appear over dominant and cramped for the size of the plot. It would result in unacceptable harm to the character and appearance of the area. The proposal would dominate the adjacent dwellings and impact on living conditions to neighbours. The scheme does not comply with Rushcliffe's Residential Design Guide and the Design and Access Statement fails to state how it complies with this guidance. It does not take into account the previous refusal and the inspector's decision.

14. The applicant has not provided sufficient assessment of the existing street character or context. It also cannot comply with Rushcliffe's Residential Design Guide for extensions generally as almost all of the original building will be lost.
15. It is worth noting the proposal at number 53 Park Lane was refused and dismissed at appeal giving a precedent for a building in the area seen to be overbearing.
16. Sutton Bonington has a number of clearly distinguishable character areas. These areas are split into 4 character areas. The area the proposal site is located in is characterised to the west by 12 largely untouched bungalows and to the east, well-spaced detached or semi-detached houses, all bar one are two storeys. The applicant has sought to underplay these characteristics and reduce the character to a mix of two storey and bungalows. It fails to ensure the roof remains the most dominant characteristic. The dormers and gables extend almost the full width ensuring they are not just roof features but rather two separate roofs. It has a mish-mash of forms on the front elevation. It extends to both boundaries, maximising the site. It clearly has a negative impact on the established character of the area.
17. In response to the applicant's supporting letter (reference above), a further representation has been received from Sutton Bonington Parish Council. In summary, the Parish Council do not consider that the design has incorporated a dormer style structure at first floor level, it is a two storey house. No evidence has been provided to support the view that the predominant character of the area is two storey dwellings. The Parish Council set out a proper description of the area. There is evidence to support this and the planning authority should support this. Rushcliffe Borough Council's Design Guide is a material consideration, not just guidance. The applicant should clearly respond to why the scheme fails to meet the guidance. No weight can be given to the fact that it is only guidance.

Statutory and Other Consultees

18. No comments have been received.

Local Residents and the General Public

19. Two written representations have been received objecting to the proposal making the following points:
 - a. The only difference from the previous application is that 100% of the buildings are now on the side of 56 Park Lane.
 - b. Overshadowing and overbearing impact.
 - c. Loss of light and privacy.
 - d. Detract from the character and appearance of the area.
 - e. Overdevelopment of the area and bulky.
 - f. Will set a bad precedent for owners raising the height of roofs in the area.

- g. The revised proposal does not reflect the Inspector's comments.
- h. Doesn't have regard for character and living conditions of neighbours.
- i. Number 52 will be uncomfortably sandwiched between two large two storey properties.
- j. Original property will be lost by various substantial alterations.
- k. Proposal does not reflect Inspector's comments on previous application.

PLANNING POLICY

- 20. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as '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 Rushcliffe Borough Non Statutory Replacement Local Plan (2006) and the Rushcliffe Residential Design Guide.

Relevant National Planning Policies and Guidance

- 21. The relevant national policy considerations for this proposal are those contained within the 2018 National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. The proposal falls to be considered under section 12 of the NPPF (Achieving well- designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 127 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development.
- 22. In line with paragraph 130 of the NPPF, 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

- 23. None of the five saved policies in the 1996 Local Plan apply in this case.
- 24. Policy 1 of the Core Strategy sets out that the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
- 25. The proposal should be considered under Core Strategy Policy 10 (Design and Enhancing Local Identity). 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 development should 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.

26. Whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory Local Plan are a material consideration and the proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria), specifically GP2d, whereby development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered, and should not lead to an over-intensive form of development.
27. The 2009 Rushcliffe Residential Design Guide implies that the style and design of any extension should respect that of the original dwelling and should not dominate over it. Extensions should be designed so that they are not readily perceived as merely 'add-ons' to the original building and therefore scale, proportion, and roof form are very important. Rushcliffe Residential Design Guide states that rear gardens should be at a depth of 10m to the boundary, and gardens sizes should be 110sq m for detached properties.

APPRAISAL

28. The site is situated in the built up area of the village in an established residential area. The principle of the development is therefore acceptable subject to issues of design, the character of the area, the scale of the development and residential amenity. The key considerations are, therefore, scale, design and massing in relation to the character of the area and impacts on residential amenity. It is noted that planning permission for extensions to the property has previously been refused, and an appeal dismissed. As such the Inspector's decision is a material consideration in determining the current application which must be given weight.
29. In terms of the character and appearance of the area, there is a mix of styles, designs and sizes of properties along this part of Park Lane. The property is situated between a hipped roof bungalow and a dormer bungalow. There are other two storey properties located beyond the neighbouring property at numbers 48 and 50 Park Lane. The presence of other two storey properties would mean the proposal would not be out of character with the scale and form of the wider area. The proposal has been amended from the previously refused scheme to reduce the height and scale. The overall increase in height is considered minimal, other than the ridge to the two storey addition on the south side of the property, which would measure 7 metres to the ridge, the height of the main roof would remain at 6.3 metres, similar in height to the neighbouring bungalows. This relationship is demonstrated by the submitted streetscene (although this can only be relied on for indicative purposes). There is no objection to the design and the front gables are considered to help to break up the mass of the roof. The current proposal is, therefore, considered to better integrate with the two neighbouring properties than the scheme previously refused.
30. The single storey front projections are small scale and would not significantly impact on the building line along this side of Park Lane, which is relatively informal with buildings not all completely in line. It is considered that the design and appearance of the proposal would not harm the character of the area and,

therefore, accords with Policy 10 of the Core Strategy and Policy GP2 of the Non-Statutory Replacement Local Plan.

31. Objections have been raised that the proposal represents overdevelopment, in part on grounds of the proximity of the extensions to the boundaries. The resultant building would not encroach closer to the boundaries than the existing dwelling, albeit that the proposal would infill the area to the rear of the existing garage. The property sits on a large plot. The proposal would retain approximately 360sqm of rear amenity space, which is well over the minimum recommended amount of 110sqm for detached two storey properties in the Residential Design Guide. The amount also compares favourably with the surrounding properties along this part of Park Lane.
32. The neighbouring property at number 52 Park Lane contains two side windows facing the proposal site. One side window on the ground floor is to a living room, which is also served by a larger rear facing window to the same room, and the other is a first floor bedroom window which is also served by a dormer window to the front elevation. Given these are secondary windows, it is considered that any impacts would carry less weight than if they were the sole/principal windows to the room they serve. Nonetheless, it is noted that the previous Inspector's decision did give some weight to the loss of outlook from, and natural sunlight to, these windows and therefore the impact must be carefully considered. The scale and bulk of the additions adjacent to the boundary with No. 52 have been significantly reduced when compared with the refused scheme and the current application does not propose any full first floor additions immediately adjacent to the boundary with 52 Park Lane, albeit there would be dormer windows inserted to the roofslope closer to this property. The existing first floor side window would be retained in the same position and would continue to serve bedroom accommodation.
33. The depth of the rear extension has been reduced near the boundary with the neighbour at number No. 52. It would project 3.95 metres to the rear, which is comparable with an extension which could be constructed under permitted development rights. In addition, the neighbour at number 52 Park Lane is set slightly further back to the rear so the depth of the extension to the rear of this neighbour would be less than 3.95 metres.
34. The front extension is small scale with the principal front window to this neighbour set away from the boundary. In addition, the front extension would avoid a 45 degree angle when taken from this neighbour's principal front window. Overall, it is considered that the proposal would not have a significant impact on the residential amenity of the neighbouring property at number 52 Park Lane.
35. The proposal would be located 0.2 metres from the boundary with the neighbouring property at number 56 Park Lane, maintaining the same distance from this boundary as the existing garage. It is accepted that the extension in this location would be deeper than the previous scheme, close to the boundary with this neighbour. The extension at two storey level projects 3.9 metres to the rear close to the boundary with this neighbour. This neighbouring property does not have any principal side windows facing the proposal, it does have a small, high level secondary window. This property also has a conservatory at the rear, close to the boundary. The proposal would project marginally beyond the rear of this conservatory but would avoid intersecting a 45 degree angle

when taken from the rear of the conservatory. The north elevation of the conservatory is formed by a brick wall, so it would preserve the neighbour's privacy. Objections from this neighbour relate to loss of light to the dining room, which sits in front of the conservatory, so is already compromised by the building of the conservatory to the rear of it. Furthermore, 56 Park Lane is situated on the southern side of the application property and, therefore, it would result in minimal overshadowing of this property. The garage extension to the front would not project in front of the front elevation to this neighbouring property. Overall, the proposal would not have a significant impact on the residential amenity to the neighbouring property at number 52 Park Lane.

36. Whilst the proposal seeks to increase the size of the property, it benefits from a large area of hardstanding which provides sufficient parking for the size of the resultant dwelling. There is therefore no objection on parking grounds.
37. In conclusion it is not considered the proposal is proportionate to the size of the plot, it would not have an undue impact on the residential amenity to the neighbouring properties and it would not be out of character with the surrounding area in accordance with national and local planning policy.
38. The application was the subject of pre-submission consultation when no policy or amenity issues were identified and none arose during consideration of the application.

RECOMMENDATION

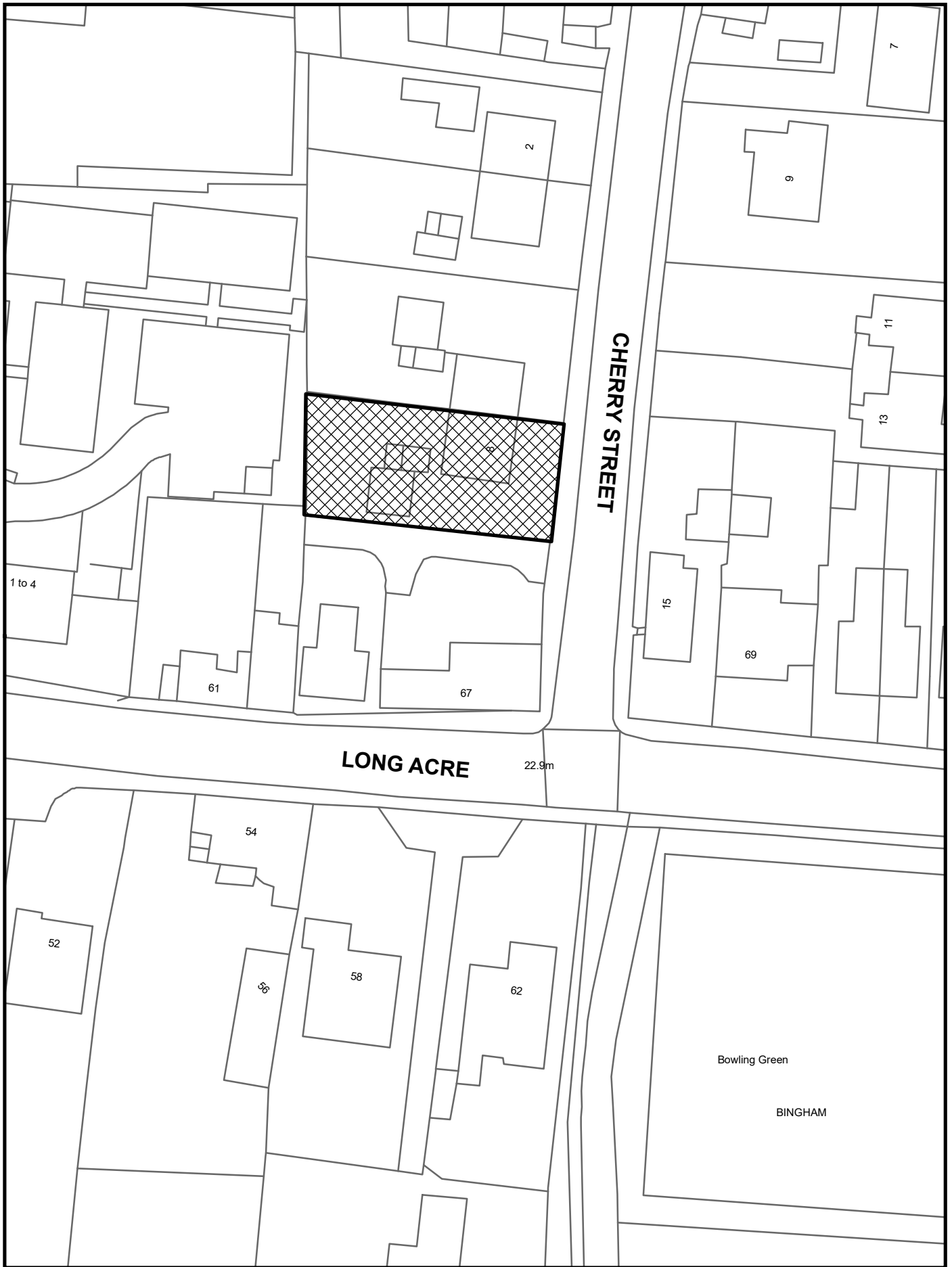
It is RECOMMENDED that planning permission be granted subject to the following condition(s)

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 no. 18/437/02, 18/437/03, 18/437/04, 18/437/05 and 18/437/06 received on 28/11/2018 and 04/12/2018.

[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].



Application Number: 18/02494/FUL
8 Cherry Street, Bingham

scale 1:1000

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Rushcliffe Borough Council - 100019419

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18/02494/FUL

Applicant Miss Jenny Bloor And Mr Gavin Dow

Location 8 Cherry Street Bingham Nottinghamshire NG13 8AJ

Proposal New two storey side extension, single storey rear extension.

Ward Bingham East

THE SITE AND SURROUNDINGS

1. The application relates to a rectangular site containing a semi-detached house and detached garage. The application property is one half of a pair of semi-detached mirrored pairs. The buildings were built in the early to mid 20th century on land which had previously been an orchard at the rear of 67 Long Acre. The brick boundary wall to the front of 2 to 8 Cherry Street is greater in age, appearing to be part of the former orchard's boundary wall, although it has been reduced in height and modern copings added.
2. The walls of the property are predominantly rendered and the roof is covered with rosemary tiles. The detached garage is a timber structure located to the side of the property, behind its rear elevation. An existing vehicle access is provided off Cherry Street and a driveway is located adjacent to the south (side) elevation of the property. A private garden area is located at the rear, to the west of the property. The rear garden is predominantly bounded by a hedge.
3. The site is located towards the centre of Bingham, to the west of the junction of Cherry Street and Long Acre. A vehicle access drive serving residential properties on Long Acre runs alongside the sites southern boundary. To the rear of the site is a three storey residential development and associated car park.
4. The neighbouring property to the south, 67 Long Acre, is a grade II listed building and the property is located within the Bingham Conservation Area. Some fruit trees within the site once formed part of 67 Long Acre's orchard. The application property and associated group of semi-detached houses are not identified as a key unlisted buildings within the Bingham Conservation Area Townscape Appraisal.

DETAILS OF THE PROPOSAL

5. The application seeks full planning permission for a two storey side extension, single storey rear extension and new access gates. The scheme has been amended to increase the set back of the extension from the front elevation of the original house by 500mm to a total of 1m. The width of two storey extension has also been reduced by 500mm from 4.8m to 4.3m.
6. The proposed single storey rear extension would project 4m from the rear elevation of the original house and span the full width of the proposed side

extension as well as half the width of the original house. It would measure 2.6m in height with a flat roof from the finished floor level and would include a glazed roof lantern.

7. The scheme has been amended to omit the widening of the vehicle access and new access gates.
8. A timber shed and two brick outbuildings located at the side and rear of the property would be demolished.

SITE HISTORY

9. Joint planning application ref.18/02934/RELDDEM which sought permission for relevant demolition within a conservation area for the demolition of part of the front boundary wall has been withdrawn.

REPRESENTATIONS

Ward Councillor(s)

10. One Ward Councillor (Cllr Hull) objected to the original and amended scheme for the full application as well as the application for relevant demolition. In summary, she objects to the amended scheme on the grounds that changes have been made to the scheme but she does not consider the scheme is acceptable in close proximity to the Conservation Area. An extension of this magnitude would severely compromise the street scene of Cherry Street. The remaining semi-detached houses are of a period design, which compliments the surrounding area of the Church and Church Street. She does not believe that an extension which changes a building two thirds greater than the original should be accepted and objects on the grounds of size, scale and massing. She also states that the existing damage to the front boundary wall has been pointed out to the property owner but repairs have not yet been carried out.

Town Council

11. Bingham Town Council objected to the original scheme and commenting in summary that the proposal "*based upon the size of the extension in relation to the property and the imbalance it will create with its partner semi, given their special architectural, historic character and appearance within the Conservation Area.*"
12. The Town Council continue to object to the revised proposals until the matters raised by the Conservation Officer and other consultees are resolved.

Statutory and Other Consultees

13. The Conservation and Design Officer objected to the original scheme, including the demolition of part of the front boundary wall and the proposed new gates (this element now withdrawn), but does not object to the amended scheme commenting, in summary: Whilst there is a good historic association between the application site and the listed building at number 67 the visual relationship on the ground is poor. The creation of the rear driveway for 67 and 65 Long Acre visually separates the listed building from the area to the north. Whilst the proposal will also have some impact upon views from the rear

of the listed building and its garden he does not feel that these views inform the special significance of the listed building and the proposal would not impact in a way which would be harmful to special significance.

14. The increased set back of the extension from the property's front elevation and resulting drop in the ridge height represents an improvement, the extension would appear more subservient. From the front elevation the extension would appear even lower, the ridge is behind that of the existing house and all views would be from the lower level of the road looking upwards to the house. The extension would be visible, including from the junction of Cherry Street and Long Acre where the one metre set-back conveniently relates to the existing rainwater downpipe (the pipe closest to the front corner of the house) which makes it relatively easy to visualise what the proposed side extension would be like. He accepts there would be an impact on the street-scene and the house would become distinctive from its 3 contemporary neighbours, however the proposal would make it relatively easy to read the building and determine its original extent, with the extension being subservient and recessive to about as far as is possible as a two storey extension. Although there would still be some adverse impact upon the contribution to local character that the 4 semi-detached properties make, this has been reduced and the application property would remain distinctive and legible in its original form and would still be able to make a contribution to local character within the conservation area.
15. In commenting on the proposal, the Conservation Officer noted that the proposed side extension would require the loss of at least one elderly fruit tree eroding what little remains of the former orchard character, although he acknowledged that the tree appears to be in poor condition and may not have a long lifespan remaining anyway. He suggested consulting the Landscape and Design Officer on this matter.
16. The Landscape and Design Officer does not object to the application. In summary he confirms that the public amenity value of the trees is fairly insignificant due to their small size and lack of natural canopy. The tree closest to the road has suffered dieback and has little long term potential. The middle tree is dead. The third is a heavily pollarded apple tree which looks reasonably vigorous but has fungal decay on the south side of the trunk which will limit its useful lifespan. He could not justify protecting any of the trees.

Local Residents and the General Public

17. No comments have been received from local residents or the general public in response to the consultation carried out.

PLANNING POLICY

18. The relevant national planning policy guidance is contained in the National Planning Policy Framework (NPPF) and associated guide, the National Planning Policy Guide (NPPG).
19. The Development plan for Rushcliffe comprises the 5 saved policies in the Rushcliffe Local Plan (1996) and the policies contained within the Rushcliffe Local Plan Part 1: Core Strategy. Consideration should also be given to the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are in accordance with National Planning Policy

Framework (NPPF) and the Rushcliffe Local Plan Part 1: Core Strategy. Additional guidance is provided in the Rushcliffe Residential Design Guide Supplementary Planning Document (SPD) as well as Bingham Conservation Area Character Appraisal and Management Plan.

Relevant National Planning Policies and Guidance

20. 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 an up-to-date development plan without delay.”*
21. In relation to design paragraph 124 states: *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”* It goes on to provide in paragraph 127 *“Planning policies and decisions should ensure that developments: c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);”*
22. Section 16 of the NPPF refers to conserving and enhancing the historic environment and states (amongst other things) that local planning authorities should look for opportunities for new development within Conservation Areas. Also that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.
23. 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.”*
24. Section 66 of the above Act also specifies that; *“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.”*

Relevant Local Planning Policies and Guidance

25. None of the 5 saved policies of the Rushcliffe Borough Local Plan 1996 are applicable to this proposal.
26. Policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy states that the Borough Council will take a positive approach that reflects the presumption in favour of sustainable development.
27. Policy 10 Enhancing Local Identity and Diversity states inter-alia: *“1. All new development should be designed to make:
a) a positive contribution to the public realm and sense of place;
c) reinforce valued local characteristics;”*

28. Policy 11 states that proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.
29. 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.
30. Policy GP2 of the Rushcliffe Non Statutory Replacement Local Plan 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. and, 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.
31. Policy EN2 states, inter-alia, that planning permission for development within a Conservation Area will only be granted where the proposal would preserve or enhance the character or appearance of the Conservation Area by virtue of its use, design, scale, siting and materials and there would be no adverse impact upon the form of the Conservation Area, including open spaces (including gardens).
32. Consideration should also be given to supplementary guidance provided in the 'Rushcliffe Residential Design Guide' and 'the Bingham Conservation Area Character Appraisal and Management Plan'.

APPRAISAL

33. The scheme has been amended with the aim of mitigating the proposals potential harm on the character and appearance of Bingham Conservation Area and to enable the proposal to appear subservient to the original house.
34. With regard to the impact of the proposal on the character and appearance of Bingham Conservation Area it is noted that the Conservation and Design Officer raises no objections to the proposed scheme. The historic significance of the front boundary wall and its association with the adjacent listed building 67 Long Acre have been identified by the Conservation and Design Officer. Concerns have been raised over the partial demolition of the front boundary wall and the design of the proposed gates to the front of the property. However, these elements of the scheme have now been withdrawn.
35. Concerns have been raised by the Parish Council and Cllr. Hull relating to the impact of the two storey side extension on the conservation area, the street scene and the existing property within the application site. The two storey side extension would be visible from the public realm within Bingham Conservation Area. In terms of its design, increasing its set back from the front elevation of the original house by an additional 500mm has also resulted in a corresponding drop in the ridge height. It is considered that this amendment, in conjunction with the 500mm reduction in the width the proposed two storey side extension, would ensure that it appears subservient to the original house and sympathetic to its character and appearance. Although the proposal would be visible in views along Church Street, it would be read as an obvious extension to the

property maintaining the integrity and group value of 2 to 8 Cherry Street, which are mainly unaltered.

36. The single storey rear extension would be predominantly screened from outside of the site by the existing boundary hedges and the proposed two storey extension. It would have a small footprint and low in height and so appear subservient to the original property. Its flat roof design with a glazed roof lantern would enable the single storey extension to appear as a modern addition.
37. The materials proposed for the extensions include off white render walls and a tiled roof (to the two storey element) to match the existing house. The render on the walls of the original house would also be replaced with modern off white render. The render on all of the other houses within the group is painted in off white. It is, therefore, considered that the proposed materials would ensure continuity of design.
38. The proposal would result in the loss of at least one mature fruit tree from within the site. The trees located within the site have been assessed by the Landscape and Design Officer and it is his conclusion that they are not of significant merit to warrant protection. Therefore, despite the historic provenance of the trees it is considered that their retention cannot be justified.
39. The comments received from the Conservation and Design Officer, which are in general support of the proposed extensions, are noted and coming from a technical consultee are given significant weight. On balance it is therefore considered that the proposed extensions would 'preserve' the special architectural and historic character and appearance of the conservation area as is described as being a 'desirable' objective within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is also considered that the proposal would be sympathetic to the character and appearance of the neighbouring properties and the surrounding area.
40. The application property is located to the north of 67 Long Acre a grade II listed building. However, on the advice of the Conservation and Design Officer, in part due to the physical separation that has occurred with the introduction of an access road between the site and 67 Long Acre, it is considered that the proposal would not harm the setting of the listed building. Furthermore, the Church of St Mary's and All Saints on Church Street is a Grade I listed building and whilst the spire of the church is visible from points along Cherry Street, it is considered that, by virtue of the separation distance and intervening structures, the proposal would not adversely impact on the setting of the church. Therefore, it is considered that the proposal does not cause harm to and preserves the setting of nearby listed buildings, achieving the objective described as desirable in Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.
41. With regard to the impact of the proposal upon the residential amenity of the neighbouring properties, the proposed rear extension would be set in from the shared boundary with the adjoining neighbour, 6 Cherry Street, and would be low in height. Therefore, despite its location to the south of this neighbouring property, it is considered that it would not be unduly overbearing or lead to undue overshadowing or loss of light. The openings proposed would be

predominantly screened by the existing boundary treatments preventing undue overlooking or loss of privacy.

42. The proposed two storey extension would bring the property within the application site closer to the rear elevation of 67 Long Acre. There are no first floor habitable room windows in this property facing the application site and the outlook from the facing ground floor windows serving a kitchen/diner is already restricted by the existing boundary treatments. No habitable room windows are proposed in the side elevation of the two storey extension and the rear facing bedroom window would be located 15.6m from the site boundary with the car park of the neighbouring flats. It is, therefore, considered that the proposal would not lead to any undue harm to the residential amenity of the neighbouring properties.
43. In conclusion, it is considered that the proposed extensions would not harm the character and appearance of Bingham Conservation Area or the setting of nearby listed buildings, 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 polices contained within the NPPF, and there are no material considerations which outweigh these policies.
44. The proposal was not subject to pre-application advice, however, negotiations have taken place during the consideration of the application in response to concerns raised by officers and consultees, and revised plans were submitted 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 conditions

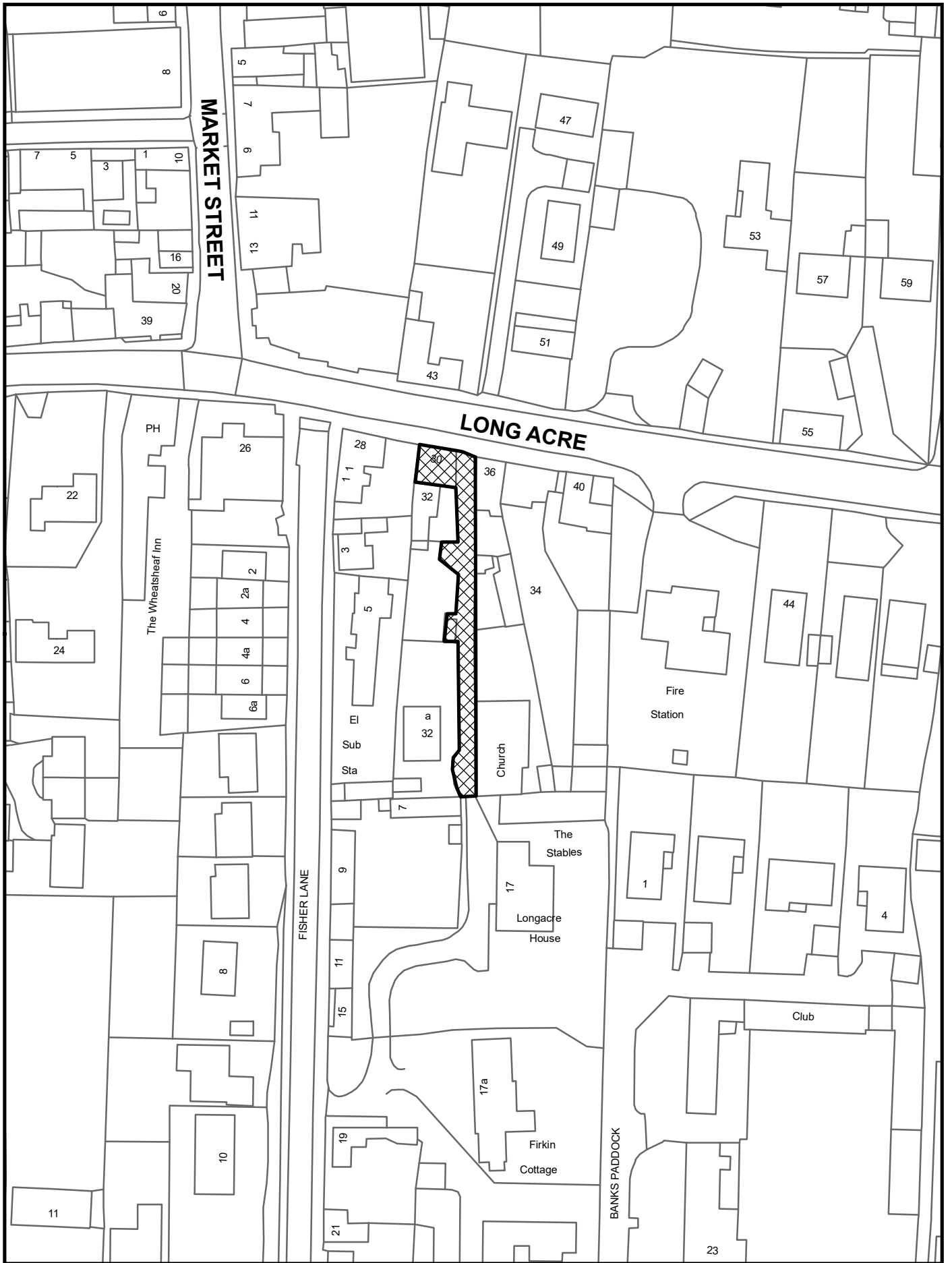
1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[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 amended plans ref. 2019 03A, 04A, 05B and 07B received on 11 January 2019.

[To ensure the appearance of the development is satisfactory and to comply with policies GP2 (Design and Amenity Criteria) and EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]
4. The development hereby permitted shall not proceed beyond foundation level until details of the facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the

materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policies GP2 (Design and Amenity Criteria) and EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]



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Application Number: 18/02321/VAR
30 Long Acre, Bingham

scale 1:1000



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18/02321/VAR

Applicant Mr Keith Howard

Location 30 Long Acre Bingham Nottinghamshire NG13 8AH

Proposal Variation of condition 5 of 18/00962/COU to allow change of weekday opening hours from 09:00 - 17:00 to 09:00 - 20:00.

Ward Bingham East

THE SITE AND SURROUNDINGS

1. The application site comprises a late 18th/early 19th century house fronting the south side of Long Acre and a vehicular access/private drive from Long Acre, which serves a number of residential properties to the south, within the Conservation Area. The building is identified as a key unlisted building in the Conservation Area Townscape Appraisal. There is a dwelling attached to the rear of the property (32 Long Acre) with what appears to be its only outdoor amenity area/garden to the front adjacent to the south elevation of the application property, which has a back door and ground and first floor windows.
2. The site is located on the southern edge of the town centre with a residential area to the south. There are commercial properties along Long Acre, predominantly to the west of the site, including offices immediately adjacent to the west and a retail/training facility opposite, and residential properties to the east.

DETAILS OF THE PROPOSAL

3. Permission was granted for a change of use of the property from residential dwelling (Class C3) to a physiotherapy practice with between 1 and 3 treatment rooms (Class D1) under delegated powers in August 2018. Condition 5 on the permission restricts the opening hours for clients to 0900-1700 on Monday to Friday, 0900-Midday on Saturday, and not at all on Sundays and Bank Holidays.
4. The current application seeks permission to vary condition 5 to allow opening until 2000 hours on weekdays. In support of the application, the applicant has stated that the extended opening hours are intended to cater for patients who are only able to attend outside normal working hours and, as the premises are within around 50m of a number of eating/drinking premises, there is currently a constant movement of people and traffic late into the evening.

SITE HISTORY

5. Application ref: 18/00962/COU for the change of use from residential dwelling (C3) to a physiotherapy practice with between 1 and 3 treatment rooms (D1) was approved in August 2018.

REPRESENTATIONS

Ward Councillor(s)

6. One Ward Councillor (Cllr Hull) agrees with the comments submitted by the immediate neighbour at 32 Long Acre, and shares the concerns regarding the potential impacts of noise generated by the use of the property. Cllr Hull comments that the 2 properties are very closely linked and, if the applicant had not gained planning permission for a change of use, a resident occupier of this property would not cause disturbance in the way that is envisaged by use of a commercial nature. Cllr Hull therefore objects on grounds of increased disturbance to the neighbouring residential property.

Town/Parish Council

7. The Town Council has no objection.

Statutory and Other Consultees

8. The Environmental Health Officer (EHO) originally commented that the adjacent premises are residential in nature and, therefore, there are concerns that the increase in hours could result in noise disturbance especially if the use involves the areas adjacent to the neighbouring residential premises. In order to alleviate these concerns it was recommended that the applicant should consider whether the sound insulation between the properties could be improved in order to reduce the transfer of noise between the commercial use and the residential use.
9. The EHO has subsequently commented that, given the use of the premises and the fact that the proposed additional hours requested are to cover evening treatment appointments up to 2000 on weekdays only, and having reviewed the application and additional information that has come to light since, he does not consider additional sound insulation to be necessary in this instance. Given the objections received from the occupier of the neighbouring residential property, he recommends that, if planning permission is granted, it be for a period of 12 months to gauge any noise impacts from the extended use of the premises once in operation.

Local Residents and the General Public

10. One written representation has been received from a neighbouring property (32 Long Acre, attached to the application property) raising objections which are summarised as follows.
 - a. The neighbour's property is separated from the application property by a single brick party wall, with the neighbour's living room and main bedroom sited on the other side of the staircase to the first floor treatment rooms.
 - b. Noise from increased use of the staircase would seriously reduce the enjoyment of the neighbour's home.

- c. If it was originally felt that it was necessary to restrict the opening hours in order to protect the amenities of nearby residents, why is an extension felt to be reasonable?

PLANNING POLICY

11. 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.
12. 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).
13. 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

14. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development.
15. Chapter 16: 'Conserving and enhancing the historic environment' states that, in determining planning applications, local planning authorities should take account of:
 - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
16. The National Planning Practice Guidance (NPPG) on the use of planning conditions is also relevant.

Relevant Local Planning Policies and Guidance

17. Policies 11 (Historic Environment) and 12 (Local services and healthy lifestyles) of the Rushcliffe Local Plan Part 1: Core Strategy.
18. Policies GP2 (Design & Amenity criteria), EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan (NSRLP). Policy GP2 states, inter alia, that planning permission for new development, including changes of use, will be granted provided that there is no significant adverse effect on amenity, particularly residential amenity, of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated.

19. Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is given to the desirability to preserve or enhance the appearance and character Conservation Areas.

APPRAISAL

20. The site is located on the edge of the town centre commercial area with a residential area, with the building fronting Long Acre, adjacent and close to other commercial properties. There are residential properties to the south and to the east on Long Acre. Whilst the proposal would be a private enterprise, it would provide a health/well-being facility, and non-residential uses such as doctors/medical centres, dentists, and day nurseries are not uncommon in residential areas. Consequently, during consideration of application ref. 18/00962/COU, it was considered that the proposed use would be appropriate in this location.
21. Even with 3 treatment rooms, it was also considered that the use should be a relatively quiet activity, and the reception area and treatment rooms are not immediately adjacent to the attached dwelling at 32 Long Acre. The staircase runs along the party wall with no. 32; however, it is considered that any noise should not be significantly different to use of the building as a 3 bedroom house. Furthermore, with the use not taking place late in the evenings, Saturday afternoons or on Sundays, there could potentially be less noise than from use as a dwelling.
22. The Environmental Health Officer's comments regarding a temporary 12 month permission are noted. The NPPG on the use of planning conditions states that circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area, or where it is expected that the planning circumstances will change in a particular way at the end of the period.
23. In this case, the principle of the change of use of the property was considered under the earlier application and, as no environmental health concerns were raised with respect to potential noise, it was concluded that a permanent permission would be appropriate. As the current proposal seeks to increase the hours of use by only 3 hours ending at 8pm on weekdays only, it is considered that it would be unreasonable to restrict the extended use for a temporary period.
24. Whilst occupants of the attached dwelling may experience some noise through the party wall, it is considered that this should not have a significant adverse impact on amenity.
25. As there would be no external alterations to the building, the proposal would preserve the character and appearance of the Conservation Area. Consequently, the proposal achieves the objectives described as desirable of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
26. The application was not subject to pre-application discussions and it was not necessary to contact the applicant during processing of the application.

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 1:1250 site location plan received on 30/4/18 and the proposed floor plans received on 26/4/18 (accompanying application ref. 18/00962/FUL).

[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 use hereby permitted shall involve no more than 3 treatment rooms.

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

4. The rear (south elevation) door shall not be used by staff/clients to access/egress the building except for in an emergency.

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

5. The premises shall not be open to clients outside the following hours:

0900-2000 on Monday to Friday

0900-Midday on Saturday

And not at all on Sundays and Bank Holidays

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

6. The premises shall only be used for a physiotherapy practice and no other purpose.

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

Notes to Applicant

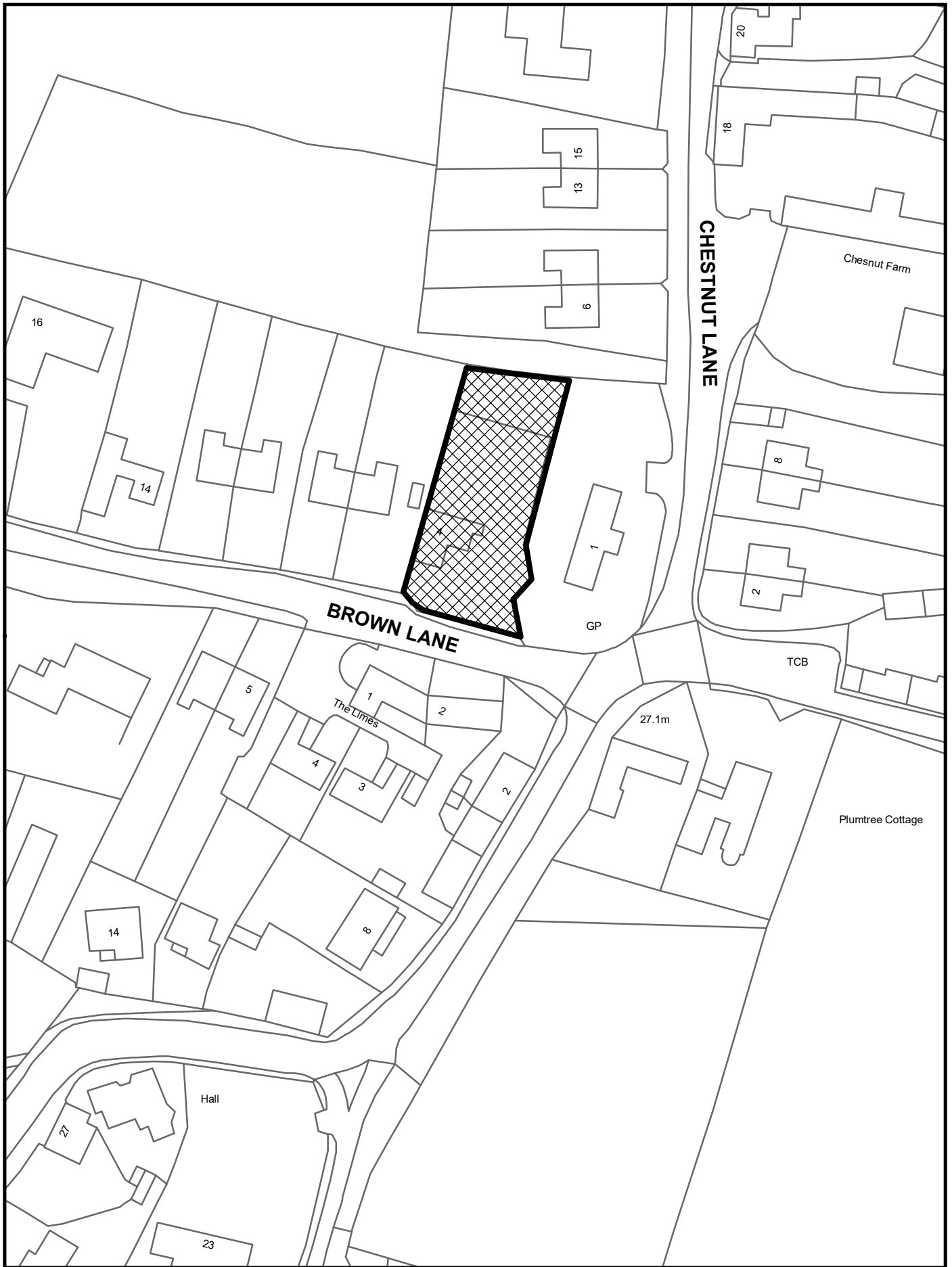
This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining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

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.

This permission does not give any consent needed to display advertisements.

You are advised to ensure disturbance to neighbours is kept to a minimum during construction/internal alterations by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact the Environmental Health Officer on 0115 9148322.



Application Number: 18/02645/FUL
4 Brown Lane, Barton in Fabis

scale 1:1000

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18/02645/FUL

Applicant Mr Jon Harrison

Location 4 Brown Lane Barton In Fabis Nottinghamshire NG11 0AD

Proposal Single storey front extension, single storey side and rear extension and two storey rear extension.

Ward Gotham

THE SITE AND SURROUNDINGS

1. The application site comprises a traditional red-brick property located within the built-up part of Barton in Fabis. The L-shaped dwellinghouse is of two storey construction along its frontage (facing onto Brown Lane) stepping down to one and a half storey at the rear. A single storey lean-to is located on the eastern elevation. Two dormer windows are present in the north (rear) elevation. The property is set further forward in the plot than the immediate neighbouring dwellings. The property is accessed directly off Brown Lane.

DETAILS OF THE PROPOSAL

2. This application seeks planning permission for single and two-storey front, side and rear extensions to the property. A single storey extension is proposed to the front (south) elevation extending the dwelling forward (southward) by 4m. This would replicate the front section of the original house as shown on the 1965 aerial photograph submitted as part of the application. A single storey side extension is proposed along part of the eastern elevation (approximately where the single storey lean-to is currently located) wrapping around to the rear of the property and extending the rear elevation northwards by 2.8m. A single storey extension, measuring 1.05m x 2.8m, is proposed on the rear (north) elevation adjacent to the property's western boundary to accommodate a downstairs toilet/washroom. Additionally, a two-storey extension is proposed on the rear (north) elevation measuring 9.5m x 4.7m. The two storey section would be approximately 1.05m from the property's western boundary.
3. The proposed extensions would not extend the dwelling any further west towards the boundary with No. 6 Brown Lane. In terms of the eastern elevation, at its closest approach new built-form would be located approximately 8m from the boundary with No.1 Brown Lane. The proposed materials for the extensions have been selected to match existing.

SITE HISTORY

4. No relevant planning history.

REPRESENTATIONS

Ward Councillor(s)

5. The Ward Councillor (Cllr Walker) responded to the consultation stating 'I do not object to the application'.

Town/Parish Council

6. The Parish Council do not raise any objections to the application.

Statutory and Other Consultees

7. The Council's Conservation & Design Officer provided comments on the proposal. His comments can be summarised as follows:
 - The size of the proposed extensions would justify an archaeological watching brief.
 - The site is in the green belt and the scale of extensions proposed is substantial, such that it might be necessary for the scale of extensions to be reduced to be acceptable in green belt terms. If the scale of extension were reduced, the justification for an archaeological condition would also be removed.
 - The design is appropriate, however the scale again causes issues; beginning to swamp the original building and this would be difficult to avoid regardless of what design approach was adopted.
 - In all cases a reduction in the overall scale of the proposal would likely improve the scheme and avoid any prospect of there being justification for archaeological conditions.

Local Residents and the General Public

8. No representations have been received.

PLANNING POLICY

9. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as '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 Rushcliffe Borough Non Statutory Replacement Local Plan (2006) and the Rushcliffe Residential Design Guide.

Relevant National Planning Policies and Guidance

10. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF.

11. The proposal should be considered under section 12 of the NPPF in terms of achieving well-designed places, particularly the criteria outlined in paragraph 127. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with NPPF paragraph 130, 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.
12. Given the location of the application area within an Archaeological Alert Site, section 16 (Conserving and enhancing the historic environment) is relevant in term of consideration of potential impacts on the archaeological resource.
13. As the site lies within Green Belt, section 13 (Protecting Green Belt land) is also of relevance. Of particular relevance, paragraph 145 provides that new buildings should be regarded as inappropriate development. The 'closed' list within the paragraph sets out the exceptions for development which should not be regarded as inappropriate development, including *"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"*.
14. Section 14 Meeting the challenge of climate change, flooding and coastal change) requires due consideration as the site is located in Flood Zone 3.

Relevant Local Planning Policies and Guidance

15. Policy 1 of the Core Strategy reinforces a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
16. Policy 2 seeks to ensure that development proposals do not increase the risk of flooding and where possible reduce flood risk.
17. 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 local context and reinforce local characteristics. The development proposal falls to 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 development should 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.
18. Policy 11 (Historic Environment) is relevant to the determination of the application as the site is located in an Archaeological Alert Site.
19. As the site is located within a village 'washed-over' by Green Belt, Policy 4 (Nottingham-Derby Green Belt) and saved Policy ENV15 (Green Belt) of the Rushcliffe Borough Local Plan are pertinent.
20. Whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan should be given weight as a material consideration in decision making. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Non-Statutory Replacement Local Plan. Of particular relevance is GP2d

whereby development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered, and should not lead to an over-intensive form of development.

21. Policy EN7 (Sites of Archaeological Importance) is also pertinent to the determination of the application due to its location within an Archaeological Alert Site.
22. As the site is located within Green Belt, Policy EN14 (Protecting the Green Belt) and Policy EN19 (Impact on the Green Belt and open countryside) are also relevant.
23. Policy WET2 (Flooding) requires consideration due to sites location in Flood Zone 3.
24. Advice contained within the Rushcliffe Residential Design Guide adopted in March 2009 is a material consideration. With regard to extensions, it states that the style and design of the original dwelling should remain the dominant element with the extension appearing subordinate to it.

APPRAISAL

25. The main issues in the consideration of the application are; whether the proposal is inappropriate development in the green belt; whether the proposal would harm the open character or visual amenities of the area and whether there are any special circumstances to outweigh any harm. The design of the proposal, impact on residential amenity, archaeology and flood risk also require consideration.
26. The site is located within the built-up part of Barton-in-Fabis, a village 'washed-over' by Green Belt. Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. One of the exceptions to this is 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. This is reflected in Policy EN14 of the Rushcliffe Borough Non-Statutory Replacement Local Plan.
27. The footprint of the proposed extensions equate to approximately 89m². The footprint of the existing dwelling (including the lean-to on the eastern elevation) is approximately 90m². As such, the proposal would equate to a circa 99% increase in the footprint of the dwelling, almost doubling its footprint. The increase in the volume of the dwelling would be approximately 163%, over and above that of the 'original' dwelling.
28. In addition to the increased footprint, the proposal would significantly increase the scale and massing of the existing dwelling, particularly in terms of the introduction of a large two-storey wing extending northward from the rear elevation.
29. Given the size, scale, massing and footprint of the proposed extensions, it is considered that the proposal would represent disproportionate additions, over and above the size of the original building and would, therefore, constitute inappropriate development in the green belt.

30. Inappropriate development is, as paragraph 143 of the NPPF states, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 goes on to state that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
31. With regard to 'very special circumstances', neither the applicants nor their agents have put forward any grounds that they consider to be very special circumstances. It is not considered that there are any very special circumstances in this instance, which would outweigh the harm to the Green Belt.
32. It is noted that significant single and two-storey extensions were approved in respect of the neighbouring property, No. 6 Brown Lane in July 2018 (Ref. 18/01264/FUL). However, it is important to note that this proposal included the demolition of a large lean-to structure, double garage and conservatory. In this case, given that the footprint of the extensions were not significantly greater than the existing additions to be removed, the proposal was found acceptable on balance.
33. In term of design, the proposal has incorporated a number of features reflective of the existing building and is considered sympathetic to the original dwellinghouse. The front and side extensions are considered acceptable in terms of their form and massing and are would retain the character of the existing property. However, it is considered that the scale and massing of the two-storey rear extension would lead to an over-intensive form of development contrary to Policy 10 of the Core Strategy and Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan. The extensions would fail to retain the form and character of the original dwelling and would not appear subordinate to it. This is contrary to advice contained within the Rushcliffe Residential Design Guide.
34. In terms of residential amenity, the proposed extensions would not extend the dwelling any further west towards the boundary with No. 6 Brown Lane. The proposal would, however, introduce a two-storey extension to the rear of the property, approximately 1.05m from the western boundary. No additional windows are proposed in the western elevation, aside from roof lights. As such, there are not considered to be any issues in terms of overlooking or loss of privacy. In terms of the eastern elevation, the single-storey extension would bring built-form to within approximately 8m of the eastern boundary, approximately 3m closer to the neighbouring property (1 Brown Lane). A number of new windows are proposed at first floor level facing east. Dormer windows are proposed in the east-facing elevation of the two-storey extension at first floor level. Given the scale of the proposal and the distance between the dwellings, the impact on residential amenity is considered negligible. The proposal would extend the property approximately 9.5m to the rear (i.e. the north elevation), bringing the property to within 20m of the northern boundary. Additional windows are proposed at both ground and first floor level. Given the separation distances and the intervening vegetation, it is considered that there would be no loss of amenity in respect of the property to the north (No. 6 Chestnut Lane). The property benefits from a large residential curtilage and, as such, ample residential amenity space would remain. The proposed

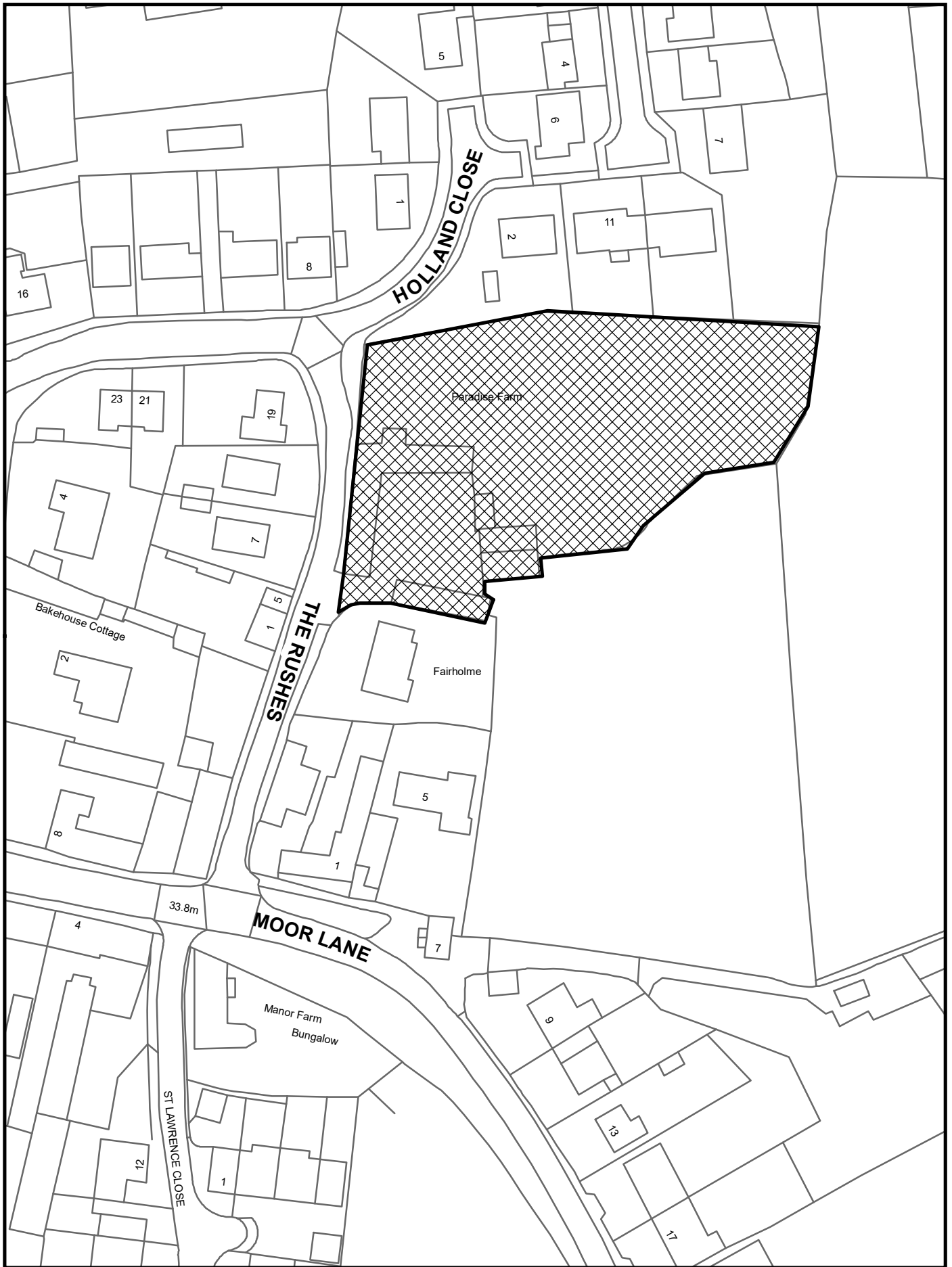
extension would not result in an overshadowing or overbearing impacts nor result in a loss of amenity.

35. In terms of potential for impact on archaeology, the Council's Conservation & Heritage Officer has commented that, due to the scale of the extensions, requiring excavation at significant distance from the existing buildings, undisturbed archaeology may be encountered. As such, in the event that the Borough Council was minded to grant planning permission, it is recommended that a condition requiring an archaeological watching brief would be required to ensure that the archaeological resource is adequately protected. It should be noted that if the extensions were to be reduced the justification for an archaeological condition might also be removed.
36. The application site is located within Flood Zone 3 and is therefore at a high risk of flooding. In such circumstances, the Environment Agency's Standing Advice is relied upon for domestic extensions, which advises that floor levels should be no lower than existing and that flood resilience measures be incorporated into the design. The plans indicate that the floor level of the extensions would be no lower than the floor levels in the existing dwelling and if planning permission were to be granted a note could be attached to any approval advising the applicant on flood resilience measures.
37. The application was not subject to pre-application consultation and there is a fundamental objection to the proposal. Negotiations have not been initiated with the agent in this instance in order to allow the decision to be issued in a timely manner.

RECOMMENDATION

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

1. The proposed extensions, by reason of their cumulative size, scale, massing and footprint would constitute disproportionate additions, over and above the size of the original dwelling and would therefore constitute inappropriate development in the Green Belt. 'Very special circumstances' have not been demonstrated and there are no other factors in this case which would outweigh the identified harm to the Green Belt. The proposal is therefore contrary to Policy ENV15 (Green Belt) of Rushcliffe Borough Local Plan (1996), Policy 4 (Nottingham - Derby Green Belt) of the Rushcliffe Local Plan Part 1: Core Strategy December 2014, Policy EN14 (Protecting the Green Belt) of the Rushcliffe Non-Statutory Replacement Local Plan and the guidance contained within the National Planning Policy Framework, in particular Chapter 13 (Protecting Green Belt Land).



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Application Number: 18/02842/FUL
8 Paradise Farm, The Ruses, Gotham

scale 1:1000



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18/02842/FUL

Applicant Mr Rex Walker

Location Paradise Farm The Rushes Gotham Nottinghamshire NG11 0HY

Proposal Insert 2no. Velux conservation windows in north facing roof slope, insert bifold doors and gable window in east facing gable, and insert first floor window in east facing elevation.

Ward Gotham

THE SITE AND SURROUNDINGS

1. Paradise Farm is a two-storey detached residential property close to the centre of Gotham, a village presently 'washed-over' by Green Belt. The property is an L-shaped configuration, constructed of red-brick, partly rendered, with a grey tile roof. The dwelling is set in a substantial plot, with a large garden area to the north and east. The property is bounded by residential properties to the north, south and west. To the east is open countryside. Pedestrian and vehicular access is gained directly off The Rushes.

DETAILS OF THE PROPOSAL

2. This application seeks planning permission for the insertion of the following: two Velux conservation windows in the north facing roof slope; bi-fold doors and a gable window in the east facing gable; and a first floor window in the east facing elevation.
3. The north elevation of the dwelling house faces onto part of the property's garden, beyond which are residential properties fronting onto Holland Close and Naylor Avenue respectively. The application proposes the insertion of two Velux conservation windows each measuring 980mm x 550mm. The Velux windows would be located in the north facing roofslope, close to the eastern end of the building.
4. The east elevation of the property faces onto the property's main garden/amenity space, beyond which is open countryside. It is proposed that bi-fold doors are installed to replace the existing bay window in the projecting gable end (the plans contain a note: "Alternatively install French doors to match new windows."). The treatment of the window head is to be determined after the existing lintel is exposed on site. The proposed gable window would be installed at first floor level (above the bi-fold/French doors) to serve the converted dovecote. A new first floor window is proposed in the eastern elevation, close to the southern end of the building, to serve a bedroom.
5. In addition to the above, the application plans specify replacement of existing ground and first floor windows and insulation applied to the internal face of the external walls to the first floor of the entire dwelling and ground floor of the projecting gable wing.

SITE HISTORY

6. No relevant site history.

REPRESENTATIONS

Ward Councillor(s)

7. The ward Councillor (Cllr Walker) responded to the consultation, as follows:
“This application is for the property at which I live. It is therefore necessary for me to declare my clear and obvious interest in the application.”

Town/Parish Council

8. The Parish Council does not object to the proposal.

Statutory and Other Consultees

9. The Council's Conservation & Design Officer provided comments on the proposal. Their response can be summarised as follows
- Paradise Farm is likely 18th century in its origins. The complex includes a dovecote, with some degree of alteration but still retaining some nesting boxes (as of 2008). The buildings have been altered, having been rendered and having had new and likely enlarged windows fitted.
 - The rendering has obscured much of the buildings character from the public realm, however the exposed gable end of the roadside barn remains as exposed brick and gives something of an indication of its former character and degree of decoration.
 - He is of the view that the building would represent a non-designated heritage asset and should be treated as such.
 - Most of the external alterations would be minor and would not fundamentally affect the character of the building or appreciation of its history and former function. The Dovecote, however, has some substantial proposed changes and the conversion of this space would almost certainly require the loss of all remaining brick nest boxes.
 - Planning Permission should be subject to a building recording condition so that a record of what remains of the dovecote interior can be secured before the proposed conversion removes such features.

Local Residents and the General Public

10. No representations received.

PLANNING POLICY

11. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as '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 Rushcliffe Borough Non Statutory Replacement Local Plan (2006) and the Rushcliffe Residential Design Guide.

Relevant National Planning Policies and Guidance

12. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. The proposal should be considered under section 12 of the NPPF in terms of achieving well-designed places, particularly the criteria outlined in paragraph 127. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with NPPF paragraph 130, 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.
13. Paradise Farm represents a non-designated heritage asset and should be treated as such. As such, section 16 (Conserving and enhancing the historic environment) requires due consideration in the determination of the application. In particular, regard must be had to NPPF paragraph 197 which states that *“In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset.”*
14. As the site lies within Green Belt, section 13 (Protecting Green Belt land) is also of relevance.

Relevant Local Planning Policies and Guidance

15. Policy 1 of the Core Strategy reinforces a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal falls to be considered under Core Strategy Policy 10 (Design and Enhancing Local Identity). The 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. The 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 development 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. As the site is located within a village 'washed-over' by Green Belt, Policy 4 (Nottingham-Derby Green Belt) and saved Policy ENV15 (Green Belt) of the Rushcliffe Borough Local Plan are pertinent.
16. Whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan should be given weight as a material consideration in decision making. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Non-Statutory Replacement Local Plan. Of particular relevance is GP2d whereby development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered, and should not lead to an over-intensive form of development. As the site is located

within Green Belt, Policy EN14 (Protecting the Green Belt) and Policy EN19 (Impact on the Green Belt and open countryside) are also relevant.

17. The 2009 Rushcliffe Residential Design Guide provides guidance on maintaining privacy. In Rushcliffe, it has previously been accepted that 30m between habitable room windows across rear gardens, for one and two storey dwellings, does maintain privacy where distance is the sole determining factor.

APPRAISAL

18. The main issues in the consideration of the application are; whether the proposal is inappropriate development in the Green Belt; the impact of the proposal on a non-designated heritage asset; the impact of the proposal on the design of the original dwelling and the character/appearance of the street scene; and the potential impact of the proposal on the living conditions of the neighbouring properties.
19. The development proposal is for minor alterations/improvements to the dwellinghouse, including the replacement of existing windows and the insertion of new windows and bi-fold/French doors. As the application site is located in a village 'washed-over' by Green Belt, it is necessary to consider whether the proposal constitutes inappropriate development, which is by definition harmful to the Green Belt. 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, is set out as an exception at paragraph 145 of the NPPF. Given the minor nature of the proposal and, given that the development would not increase the footprint or volume of the existing building, the proposal is considered to constitute an exception under paragraph 145 and, as such, would not be inappropriate development.
20. Paradise Farm is considered to be a non-designated heritage asset. The weighing exercise set out at NPPF paragraph 197 must, therefore, be undertaken as the development proposal would directly affect a non-designated heritage asset. Most of the external alterations would be minor and would not fundamentally affect the character of the building or appreciation of its history and former function. The Dovecote, however, has some substantial proposed changes and the conversion of this space would almost certainly require the loss of all remaining brick nest boxes. As per the Conservation & Design Officer's recommendation, Planning Permission should be subject to a building recording condition so that a record of what remains of the dovecote interior can be secured before the proposed conversion removes such features.
21. Due to their size and location in the roof slope, the proposed Velux windows in the north elevation would be afforded glimpses only of The Rushes and Holland Close. The separation distance and the intervening boundary vegetation would further minimise their visual impact. The proposed bi-fold/French doors and windows in the eastern elevation face away from the public realm and would not be visible from the streetscene. Overall, given the minor scale of the proposal it would not materially alter the character or appearance of the building. As such, the proposal is considered acceptable and in accordance with Core Strategy Policy 10, the NPPF and Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan.

22. The proposed Velux windows would be visible from a small number of properties to the north fronting onto Holland Close and Naylor Avenue. It should be noted that these dwellings are located at significant distance from the host property (over 30m at closest approach). Furthermore, due to the angle/position of the proposed windows in the roofslope they would not lead to increased overlooking or a loss of privacy to these properties. The bi-fold/French doors in the eastern gable end would replace an existing bay window and would not materially alter the current situation in terms of the potential for overlooking. The new gable window and bedroom window in the eastern elevation would overlook the host property's private amenity space and the open countryside beyond. Windows already exist within this elevation and, as such, the proposal would not materially alter the existing situation. Overall, it is considered that the development would not result in a loss of amenity to the host or neighbouring properties and it is, therefore, considered acceptable.
23. 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. Consequently, there was no delay in the decision of the application.

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): Proposed Elevations and Floor Plans (Ref. TC/1801/2, Rev. A) - dated Oct 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 policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

4. Prior to the conversion of the existing Dovecote hereby approved an appropriate programme of historic building recording shall be secured and implemented in accordance with a written scheme of investigation which shall be previously submitted to and approved in writing by the local planning authority. The record shall include a written description and photographic record. Following completion of the development the information shall be submitted to the local planning authority and for inclusion in the Historic Environment Register at Nottinghamshire County Council.

[To ensure that an appropriate record is made of the historic building fabric that may be affected by the development and to comply with section 16 of the NPPF]

Note to Applicant

This permission authorises the removal of the existing bay window and installation of bi-fold doors as shown on the approved plans. The plans contain a note: "Alternatively install French doors to match new windows". In the event that the option for French doors is pursued involving a design and appearance different to that shown on the approved plans, the change should be subject to an application for a non-material amendment.



Planning Committee

14 February 2019

Planning Appeals

Report of the Executive Manager – Communities

LOCATION	Field On Flintham Lane Screveton Nottinghamshire	
APPLICATION REFERENCE	18/00030/FUL	
APPEAL REFERENCE	APP/P3040/W/18/3197466	
PROPOSAL	Material change of use of land for stationing of caravans for residential occupation with associated hard standing, internal access road, fencing, package treatment plant, utility buildings and additional landscaping	
APPEAL DECISION	Appeal Allowed	DATE 17th December 2018

PLANNING OFFICERS OBSERVATIONS

The application was partly retrospective, and permission was refused on grounds summarised as follows:

- The provision of Gypsy Traveller sites within the Open Countryside is contrary to the Government’s “Planning Policy for Traveller Sites” which states that Local Planning Authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. It is not one of the forms of development identified as appropriate within the Policy EN20 (Protection of Open Countryside) of the Rushcliffe Borough Replacement Non Statutory Local Plan, and is contrary to Policy 9 (Gypsies, Travellers and Travelling Showpeople) of the Rushcliffe Local Plan Part 1: Core Strategy.
- The provision of 6 pitches in this location delivers Gypsy/Traveller accommodation in excess of any unmet need within the Borough. Policy 9 of the Core Strategy states that, as part of creating sustainable and mixed communities, where there is an identified need provision should be made within existing settlements or as part of Sustainable Urban Extensions. This need has been met and consequently, the proposed development is contrary to the broader sustainability objectives of the Core Strategy, and the National Planning Policy Framework.

The appeals were against the refusal of planning permission and two enforcement notices. An informal hearing took place on 13 November 2018 and the inspector considered the main issues to be:

- Whether the proposed occupiers are gypsies and travellers, as defined in the Planning Policy for Traveller Sites (PPTS);

- Whether the principle of gypsy and traveller site development in this location is acceptable;
- The effect of the development on the character and appearance of the area;
- Whether the occupiers of the site would have reasonable access to/be within reasonable travelling distance of services and facilities without undue reliance on motor vehicles;
- The impact of the development on the nearest settled community and local infrastructure and the potential for peaceful co-existence;
- The need for gypsy and traveller sites locally and whether the Council can demonstrate a 5 year supply of deliverable new sites;
- If the development does not comply with policy, the weight to be attached to the personal circumstances of the proposed occupiers and the availability of alternative accommodation, having regard to Human Rights and the best interests of the children and the Public Sector Equality Duty;
- The overall planning balance, with regard to whether permission could be granted on a permanent or temporary basis.

The inspector noted that the Council had not disputed the occupiers' gypsy/traveller status. With respect to details of travelling in connection with employment, he commented that there is a clear economic purpose to the occupier's nomadism, and he was satisfied that they are gypsies and travellers for the purposes of the PPTS. The inspector also appeared to accept that the principle of a gypsy/traveller site in this location.

He considered that the development would introduce an 'uncharacteristically urban, albeit low-level' form of development across the full width and depth of the site, failing to conserve permanent pasture. Having regard to the limited views of the development and the scope for 'enhanced and sympathetic landscaping' along the northern site boundary, he considered it is likely that the development would constitute a 'moderately detrimental visual intrusion into the countryside setting', and concluded that there would be 'moderate harm to the character and appearance of the area'.

He concluded that, having particular regard to the importance of primary school provision, the site is within reasonable travelling distance of a settlement, and that occupiers would have reasonable access to services and facilities without undue reliance on the private car.

Due to the scale of the development, he considered that it would not dominate Sceveton which has no significant infrastructure which would be put under pressure.

The inspector noted that the Council has resolved to grant outline permission for a sustainable urban extension (SUE) at land south of Clifton which includes provision for 4 gypsy/traveller pitches, and that, together with sites at Radcliffe on Trent and Stragglethorpe, the Council maintained that it has a 5 year supply of sites. The inspector noted that the 2016 South Nottinghamshire Gypsy Traveller Accommodation Assessment, which identifies a requirement for 4 new pitches in Rushcliffe between 2014-2029, has not been tested at examination, and was criticised by the inspector who determined the Stragglethorpe appeal. He was therefore not satisfied that it represents a robust evidence base required by the Core Strategy of PPTS. As the SUE at Clifton has not yet been granted permission, he was not confident that it would contribute to the supply of pitches over the next 5 years. In accordance with the PPTS, the absence of an up to date 5 year supply of deliverable sites is a significant material consideration in applications for temporary permission, and he considered that this carried moderate weight in this appeal.

He noted that there were 7 children on the site who have settled into the local primary school and referred to personal circumstances of some of the occupants. In the context of human rights, the best interests of the children and the Public Sector Equality Duty, he considered all the personal circumstances weighed heavily in favour of the appeal.

Notwithstanding conflict with the development plan, he concluded that other considerations indicate that the appeal should be allowed and a personal permission be granted.

Following discussion at the hearing, the inspector corrected and varied the wording of the enforcement notices, and dismissed the enforcement notice appeals. However, the decision on the appeal against the refusal of planning permission overrides the decisions on the enforcement notice appeals.

At the hearing an application for costs was made by the appellants against the Borough Council in relation to the appeal against the refusal of planning permission. The grounds for the application were as follows:

- The Council prevented development that should clearly have been permitted having regard to development plan policies and it failed to substantiate the reason for refusal;
- The Council prevented development that should clearly have been permitted having regard to other material considerations including national planning policy set out in Planning Policy for Traveller Sites, legal judgements and relevant appeal decisions;
- The Council failed to consider how its concerns could be addressed by conditions and misunderstood how a temporary consent could be applicable.

The inspector agreed with the appellants that the Council could not demonstrate that it had made a robust assessment of need, and that it did not adequately respond to the previous Inspector's criticisms of the GTAA, or the relevance of the permissions concerning the Cedar Lodge site and Stragglethorpe sites. Furthermore, the Council placed significant reliance on the Clifton Sustainable Urban Extension site. However, given that: permission has still not been granted for that development; the evidence provides no firm indication that it is likely contribute to the supply within the next 5 years; and, even if it does, it will not be sufficient to meet the appellants' needs, it was unreasonable of the Council to advance the case that it did on need and supply. The inspector considered that this unreasonable behaviour would not justify a full award because, even if the Council had not put forward evidence in relation to need and supply, that would not necessarily have meant that planning permission had to be granted. However, the applicants did incur unnecessary expense in addressing these points and about 45 minutes of hearing time was spent on these matters. A partial award of costs was therefore justified.

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