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Direct dial 0115 914 8511
Email constitutional services@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Monday, 15 October 2018



**Rushcliffe Community
Contact Centre**
Rectory Road
West Bridgford
Nottingham
NG2 6BU

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 25 October 2018 at 6.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Sull'.

Sanjit Sull
Monitoring Officer

AGENDA

1. Apologies for Absence and Substitute Members
2. Declarations of Interest
 - a) Under the Code of Conduct
 - b) Under the Planning Code
3. Planning Applications (Pages 1 - 24)
The report of the Executive Manager - Communities.
4. Planning Appeals (Pages 25 - 28)
The report of the Executive Manager - Communities.

Membership

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

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

By telephone
Monday to Friday
8.30am - 5pm

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Rushcliffe Arena
Rugby Road
West Bridgford
Nottingham
NG2 7YG



Meeting Room Guidance

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Recording at Meetings

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Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt.



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Planning Committee

25 October 2018

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
18/01705/OUT	Land Adjacent to 63 Moor Lane Gotham Nottinghamshire NG11 0LH	3 - 10
	Outline application for proposed erection of one detached dwelling with new access.	
Ward	Gotham	
Recommendation	Planning permission be refused	
18/01543/FUL	14 The Rushes Gotham Nottinghamshire NG11 0HY	11 - 18
	Demolition of garage, two storey side extension, and single storey front and rear extensions.	
Ward	Gotham	
Recommendation	Planning permission be granted subject to conditions.	
18/01772/FUL	1 Priors Close Bingham Nottinghamshire NG13 8EP	19 - 23
	Alter boundary fence to 1.5m including trellis and 1.2m high at corner (revised scheme)	
Ward	Bingham East	
Recommendation	Planning permission be granted subject to conditions	



Application Number: 18/01705/FUL
63 Moor Lane Gotham

scale 1:3000

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18/01705/OUT

Applicant Mr & Mrs Horner

Location Land Adjacent to 63 Moor Lane Gotham Nottinghamshire NG11 0LH

Proposal Outline application for proposed erection of one detached dwelling with new access.

Ward Gotham

THE SITE AND SURROUNDINGS

1. The application relates to an area of land to the side of 63 Moor Lane, a single storey dwelling set back from the road and located to the south east of Gotham adjacent to the edge of the village. The site is well screened by boundary trees. There is a small culvert to the front of the site. This part of Moor Lane is privately maintained.
2. To the east of the site is a residential dwelling and a cattery and to the north and south of the site is open countryside. To the west of the site, also on Moor Lane and beyond No. 63, are more residential dwellings, predominantly semi-detached, located within the built up area of Gotham.
3. Gotham is currently washed over by the Green Belt, as such there is strict controls over development.

DETAILS OF THE PROPOSAL

4. This is an application seeking outline planning permission to establish the principle of one new dwelling on the site. All matters are reserved for future approval with the exception of access. These matters include layout, landscaping, scale and appearance.
5. The sketch design of the proposed dwelling, which is for indicative purposes only, shows a single storey dwelling forming a 'T' shape with a large rear garden and located on the same building line as the host property at 63 Moor Lane and of a similar size and scale. The boundary trees and hedges are to be retained.
6. The access proposed is to the front, off Moor Lane, crossing the culvert.
7. The application is accompanied by a Planning Statement and a Design & Access Statement.

SITE HISTORY

8. An application to erect bungalow (app no S21/345) was granted permission in 1970 (now 63 Moor Lane).
9. An application to erect garage (app no S/21/411) was granted permission in 1972.

10. An application for a Certificate of Lawful Use for the occupancy of the dwelling without complying with condition 2 of planning permission S/21/345, which retained the dwelling for occupation by a person working the surrounding land for agricultural purposes (app no 16/01261/CLUXD) was granted in 2016.

REPRESENTATIONS

Ward Councillor(s)

11. The Ward Councillor (Cllr Walker) has declared an interest in the application.

Town/Parish Council

12. No comments have been received from Gotham Parish Council.

Statutory and Other Consultees

13. Nottinghamshire County Council as Highway Authority raises no objection. They outline that the proposed access will be from a privately maintained section of Moor Lane that forms part of Gotham Footpath. The applicant will need to contact the landowner(s) to establish whether private access rights along the track will be offered to future occupiers. The applicant also has a responsibility to ensure their development does not affect the surfacing of the footpath without obtaining prior authorisation from the Rights of Way Team.
14. The Lead Local Flood Authority (LLFA) do not make any comments on the application as it falls outside of the guidance set by Government for those applications that do not require a response from the LLFA.

Local Residents and the General Public

15. No objections or representations from neighbouring properties have been received.

PLANNING POLICY

16. The decision on the planning application should be taken in accordance with the Development Plan, unless material considerations indicate otherwise. The development plan for Rushcliffe consists of the five saved policies of the 1996 Local Plan, and Local Plan Part 1: Rushcliffe Core Strategy (Core Strategy). Other material considerations include the National Planning Policy Framework (NPPF) and the Non-Statutory Replacement Local Plan (NSRLP) where policies are consistent with the NPPF and the Core Strategy. Also of some relevance is the emerging Local Plan Part 2 and supporting studies, particularly the Green Belt Review.

Relevant National Planning Policies and Guidance

17. Paragraph 11 of the National Planning Policy Framework (NPPF) 2018 outlines that plans and decisions should apply a presumption in favour of sustainable development.

18. Paragraph 134 outlines that the Green Belt serves five purposes:
 - a) To check the unrestricted sprawl of large built-up areas;
 - b) To prevent neighbouring towns merging into one another;
 - c) To assist in safeguarding the countryside from encroachment;
 - d) To preserve the setting and special character of historic towns; and
 - e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
19. Paragraph 143 states that inappropriate development is harmful to the Green Belt and should not be approved unless there are 'very special circumstances'.
20. Paragraph 144 requires that substantial weight is given to any harm to the Green Belt. '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.
21. Paragraph 145 states that local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt. Exceptions to this include; limited infilling in villages.
22. There is no definition of 'limited infilling' in the NPPF. In planning terms in the planning portal glossary the generally accepted definition of 'limited infilling' is; 'the development of a small gap in an otherwise continuous built up frontage'.

Relevant Local Planning Policies and Guidance

23. Saved Policy ENV15: Green Belt of the Rushcliffe Borough Local Plan 1996 outlines that there is a Green Belt as shown on the proposals map.
24. Policy 3: Spatial Strategy of the Core Strategy 2014 states that 'The sustainable development of Rushcliffe will be achieved through a strategy that supports a policy of urban concentration with regeneration for the whole of Greater Nottingham to 2028. The settlement hierarchy for Rushcliffe to accommodate this sustainable development is defined on the Key Diagram and consists of:
 - a) the main built up area of Nottingham; and
 - b) Key Settlements identified for growth of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington.

In other settlements (not shown on the Key Diagram), with the exception of Newton and the redevelopment of the former RAF Newton, development will be for local needs only.'

25. Policy 4: Nottingham-Derby Green Belt of the Core Strategy 2014 states that the Green Belt within Rushcliffe will be retained. Gotham is proposed to be inset from the Green Belt. One of the statutory purposes of the Green Belt is the need to maintain the openness and prevent coalescence between settlement; establishing a permanent boundary which allows for development in line with the settlement hierarchy.

26. Policy EN14: Protecting the Green Belt of the 2006 Rushcliffe Borough Non Statutory Replacement Local Plan (RBNSRLP) states planning permission will only be granted for limited residential infilling in existing settlements in the Green Belt.
27. Policy EN19: Impact on the Green Belt and Open Countryside of the 2006 RBNSRLP outlines where a proposal is in accordance with other policies it must be demonstrated that there will be no significant adverse impact on the open nature of the Green Belt or open countryside.
28. Policy HOU2: Development on Unallocated Sites of the 2006 RBNSRLP outlines that permission for unallocated development within settlements will be granted providing, amongst other things, the size and location of the site is such that its development would not detrimentally affect the character or pattern of the surrounding area or the settlement as a whole; the site is one which does not make a significant contribution to the amenity of the surrounding area by virtue of its character or open nature; the development of the site would not extend the built-up area of the settlement; the proposal does not fall within an area of sporadic or ribbon development outside a settlement, nor is situated in the countryside.
29. The Green Belt review undertaken alongside the emerging Local Plan Part 2 proposes that Gotham should be 'inset' from the Green Belt. However, the current application site sits outside of the main built up part of the settlement and is proposed to remain within the Green Belt.
30. Gotham Parish Council is currently in the process of producing The Gotham Neighbourhood Plan, however, this does not have the status of formally submitted and has not been subject to full consultation, as such at this stage little weight should be attached to it.

APPRAISAL

31. Given the proposal is an outline application with matters reserved for subsequent approval, the main consideration is the principle of a residential property on the site and the impact on the Green Belt, particularly whether very special circumstances exist which outweigh any harm by reason of inappropriateness, the effects of the proposal on the openness and visual amenities of the Green Belt. Access is not reserved for subsequent approval and consideration must be given at this stage to whether the new access is acceptable on highway grounds.
32. The generally accepted definition of 'limited infilling' is 'the development of a small gap in an otherwise continuous built up frontage'. To the west of the site along Moor Lane is a continuous form of linear residential development of mainly semi-detached houses located on relatively small plots. However the application site and host dwelling are wider plots and also larger plots set back from the road. Beyond this to the east are four more residential dwellings scattered along Moor Lane before entering the open countryside. The plot widths of the properties to the west, beyond No. 63, are approximately 8 metres whereas the proposed plot width is approximately 32 metres. The gap between the host property and the proposed dwelling would be approximately 8 metres with a gap of approximately 30 metres to the

neighbouring dwelling to the east. In addition the location of the dwelling is proposed to be set back approximately 30 metres from the road. The plot is, therefore, large and the gaps between properties are well spread. The site therefore forms part of a substantial gap within an area of sporadic development. Whilst there is no specified definition of limited infilling this proposal would be contrary to the meaning of development in a small gap in otherwise built up frontage.

33. Gotham is proposed to be inset from the Green Belt as part of Part 2 of the new Local Plan, which has been published and soon to be subject of an examination. The boundary for the area to be inset, which forms the built up area of Gotham has been drawn so as to exclude the application site, together with the immediate neighbour to the west (No. 63) and properties to the east from the inset boundary. The site falls outside of this built up area as it is on the edge of the village and would still form an important part of the Green Belt. It would therefore remain within the Green Belt.
34. The development of the site, whilst reasonably well screened at the front by mature trees, would impact on the semi-rural nature of the site and on the views of the open countryside beyond and the openness of the Green Belt. The NPPF makes it clear that land should be kept permanently open as the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is harmful to the Green Belt by definition.
35. The approval for 63 Moor Lane in 1970 was subject to a condition limiting occupation of the dwelling to agricultural workers. This was because dwellings in the countryside and the Green Belt would not normally be acceptable unless there was a specific justification, e.g. they were to be occupied by agricultural workers. Clearly at that time, the site was considered to be within the countryside and not within the settlement.
36. The applicant has stated the development would count towards the self-build target for Rushcliffe as well as contributing to housing numbers for the area. It is not considered that this would outweigh the harm to the Green Belt and would not represent 'very special circumstances'. Just one dwelling would not make a significant contribution to the five year housing supply.
37. In terms of access, the proposal would introduce a new access onto a quiet lane which already has a number of existing vehicular accesses. There is also suitable turning space within the site. There is no objection to a new access in this location. The applicant will need to contact the owner of this privately maintained part of Moor Lane to establish whether private access rights along the track will be offered to future occupiers. This is not however, a matter which has any bearing on the consideration of the planning application and if access rights did not exist, these would need to be negotiated between the parties concerned. Any works to the culvert would need separate land drainage consent from Nottinghamshire County Council's Flood Risk Team.
38. Overall, it is considered that the proposal would not represent limited infilling in the settlement and would result in harm to the openness of the Green Belt as well as the intrinsic character and beauty of the countryside. It is considered that the proposal would constitute inappropriate and unjustified

development that would carry with it the harm to the Green Belt, which is not outweighed by any very special circumstances. This is in conflict with national and local planning policy.

39. The proposal was the subject of pre-application discussions and the applicant/agent was made aware of the policy objections and/or identified unacceptable impacts of the development. The applicant/agent chose to submit the application, notwithstanding the fundamental policy objection.

RECOMMENDATION

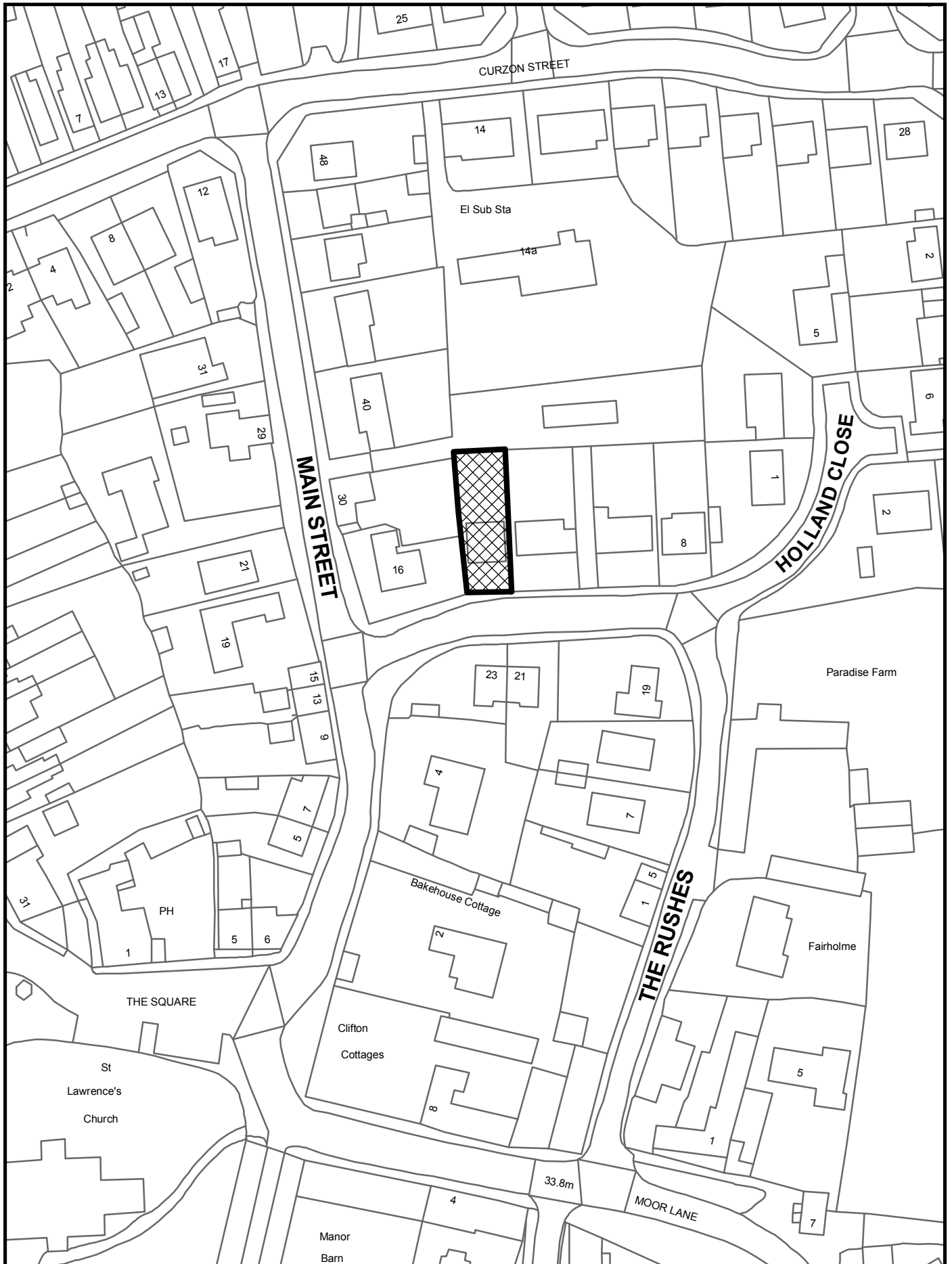
It is RECOMMENDED that planning permission be refused for the following reason:

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"



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Application Number: 18/01543/FUL
14The Rushes, Gotham

scale 1:1000



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18/01543/FUL

Applicant Mr Liam Duggan

Location 14 The Rushes Gotham Nottinghamshire NG11 0HY

Proposal Demolition of garage, two storey side extension, and single storey front and rear extensions.

Ward Gotham

THE SITE AND SURROUNDINGS

1. The application relates to a two storey detached house with a relatively small gardens to front and rear, surrounded predominantly by other residential properties. The property has a gable ended roof and comprises predominantly brick with part render to the front elevation. This is common for the properties along this part of The Rushes. To the rear of the site is a scout hut. The property is within the Green Belt (Gotham is currently washed over).

DETAILS OF THE PROPOSAL

2. It is proposed to extend the property with a two storey extension to the side of the property measuring 7.5 metres in length, 3 metres in width and 7.4 metres in height to the ridge with a hipped roof. The eaves height would be the same as the existing property. The extension would also incorporate a single storey element to the front with a depth of 2.1 metres, which would project 0.55m in front of the forward most part of the dwelling, and extend over the front door to provide a porch. The single storey rear extension would be 3.6 metres in depth, 9.3 metres in width and maximum height of 3.5 metres (2.3 metres to eaves). The proposal would provide additional bedrooms, en-suite, utility and day room. Materials proposed are brick and tiles to match existing.
3. The proposal involved the demolition of the garage at the side, which at the time of the site visit by the case officer, had already been demolished.
4. At the time of the site visit a detached building/structure at the rear of the site was being constructed but not forming part of the proposal. However, it has been established that this building is 2.4 metres in height and appears to comply with the criteria for 'permitted development'.

SITE HISTORY

5. Single storey front extension to extend garage and storm porch-79/07315/FUL. This application was approved.

REPRESENTATIONS

Ward Councillor(s)

6. The Ward Councillor (Cllr Walker) has declared an interest in the application.

Town/Parish Council

7. Gotham Parish Council object to the application and comment; *“The proposed extension by reason of its size and siting represents an unneighbourly form of development that would have an adverse impact on the amenity of neighbouring properties by reason of an overbearing effect. For example, the side extension will be built out within 300mm from the neighbouring property and the front extension is beyond the building line. There is concern that the bar, built out from the bottom of the garden wall, is too large and involves a drainage gutter and down pipe onto the neighbour’s driveway. This could cause an obstruction to heavy vehicles visiting the Scout Hut to collect heavy items, such as the Scout marquee etc.*
8. *In addition to these valid reasons for objecting to this Application we would make you aware of the following:*
 - 1) *There has been the most blatant disregard of planning regulations the Gotham Parish Council has ever encountered.*
 - 2) *Work on the footings for the side extension began on 29th June 2018 when the kitchen and garage had already been demolished. The planning application for the extension was not submitted to RBC until 30th June 2018.*
 - 3) *Fences and walls were demolished with shrubbery from the whole garden ripped out (during the bird breeding season). A neighbour’s 250-year-old wall was taken down which destroyed an established border of shrubbery on her side. No prior contact was sought with the neighbour in question.*
 - 4) *Neighbours have reported foul language over the time the site has been excavated and feel intimidated by the applicant. Noisy work has commenced before 8.00 a.m. in the morning.*
 - 5) *Another neighbour was not given the necessary 6-week warning under the Party Wall Act.*
9. *I hope that RBC will act upon the above comments and concerns about this disrespectful behaviour in the right and proper manner, as expected by the Parish Council.”*

Statutory and Other Consultees

10. No statutory consultees are required to be consulted for this application. No comments have therefore been received.

Local Residents and the General Public

11. Representations have been received from the owner/occupier of the adjacent property objecting to the proposal on the following grounds:
 - a. Loss of light to back garden and bathroom.
 - b. Would create wind tunnel.

- c. Upset the balance of properties on the road.
 - d. Foundations may go deeper than their property which is a Party Wall Act issue.
 - e. Lack of off-street parking.
12. 9 written representations have been received supporting the application and making comments which can be summarised as follows:
- a. The proposal will provide suitable accommodation for the needs of the family.
 - b. The family will be a huge addition to the village.
 - c. Don't understand the issues raised by the Parish Council.
 - d. There have been no issues or noise complaints from the builders.
 - e. The proposal is similar to other recent proposals in the area.
 - f. There were initial concerns due to a lack of communication, they were never of a planning issue and are now resolved.

PLANNING POLICY

13. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996. Other material planning considerations include the National Planning Policy Framework (NPPF), the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) and the Rushcliffe Borough Residential Design Guide (2009). In addition, Gotham Parish Council are in the process of producing a Neighbourhood Plan, however, this does not yet have the status as 'formally submitted' and carries little weight.

Relevant National Planning Policies and Guidance

14. 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.
15. 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.
16. 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

17. Policy 1 of the Core Strategy sets out 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.
18. The proposal is 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.
19. 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), 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.
20. 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.

APPRAISAL

21. The extension would have a hipped roof at the side which would sit comfortably within the existing main roof. The roof of the extension would have a lower ridge height than the original dwelling and the extension would be set back at first floor level, so it would have a subordinate appearance to the existing house. It would also be set away from the boundary with the neighbour at number 12 The Rushes by 0.9 metres (with a similar distance between the boundary and side wall of No.12) so there would be no potential for a 'terracing effect'. The property sits on a relatively formal building line of four properties however, given that the extension would only project at single storey 0.5 metres at the front it is not considered that it will have a significant impact on the building line or street scene generally. The materials proposed are to match the existing house which is acceptable. Overall it is considered that the proposal would not have a significant or unacceptable visual impact.
22. The side elevation of the neighbouring property does not contain any principal windows. Plans for this property, submitted in connection with an application for a two storey side extension, appear to indicate that two small windows at ground floor level serve a stairway and cupboard, or are secondary windows to rooms served by other windows to the front and rear

of the building, and the first floor window serves a bathroom. The two storey extension would not project to the rear of the neighbouring property so as to have any impact on the principal rear windows to this neighbour. The two storey extension would be located away from other neighbouring residential properties. The extension achieves the recommended 10 metres separation distance to the rear boundary as set out in the SPD - Rushcliffe Residential Design Guide, albeit the land to the rear is occupied by a scout hut. The single storey rear extension is set away from the boundary with neighbouring properties and at 3.6 metres in depth is a reasonable size for a rear extension to a detached property. There are ground floor side windows proposed which should be obscure glazed through a condition to prevent any potential privacy issues to neighbouring properties. The front extension is set away from the principal front windows to neighbouring properties. Overall it is considered that the proposal would not have a significant or unacceptable impact on residential amenity.

23. The garage which was demolished was small and not of a suitable size to accommodate modern vehicles. The front extension projects slightly out from the front of the property however, a driveway with a length of 5.5 metres would be retained. This would be of a sufficient length for a vehicle to park safely off street.
24. The property has a relatively small rear garden. The detached building that is being built taken together with the extensions will take up a large part of the garden space. However, it has been established that the detached building would appear to be permitted development and would in itself provide amenity space. In addition if the rear extension was built on its own at this depth of 3.6 metres this would also not require permission providing it only projected from the rear of the existing part of the house. The detached building and the single storey extension taken together would still take up less than 50% of the properties rear garden space. There would be no loss of amenity space to the side as this was where the garage was situated. So whilst the amount of amenity space being retained is not ideal it is not a reason enough to refuse the application.
25. In terms of other matters, many of the additional points raised in the objection from the Parish Council (as set out in paragraph 8 of this report) do not amount to material planning considerations. The Party Wall Act is not administered or enforced by the Borough Council and any failure to comply with the provisions of this legislation would amount to a civil matter between the applicant and their neighbours.
26. Whilst it is unfortunate that work has already started before gaining planning consent, this is not a criminal offence although it is carried out at the owner's risk. The Borough Council does not condone situations where work commences in advance of the grant of planning permission, however, this does not give rise to a reason for refusal and the application must be considered on its planning merits. This is the same for the removal of any trees, hedges or shrubbery.
27. There were no pre-application negotiations and, therefore, no advice was offered prior to submission of the application. However, there were no problems during the course of processing the application and, therefore, no reason to contact the applicant.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans, site plan; Drawing No. 1 – Elevations and Sections and Drawing No. 2 – Floor Plans, dated June 2018.

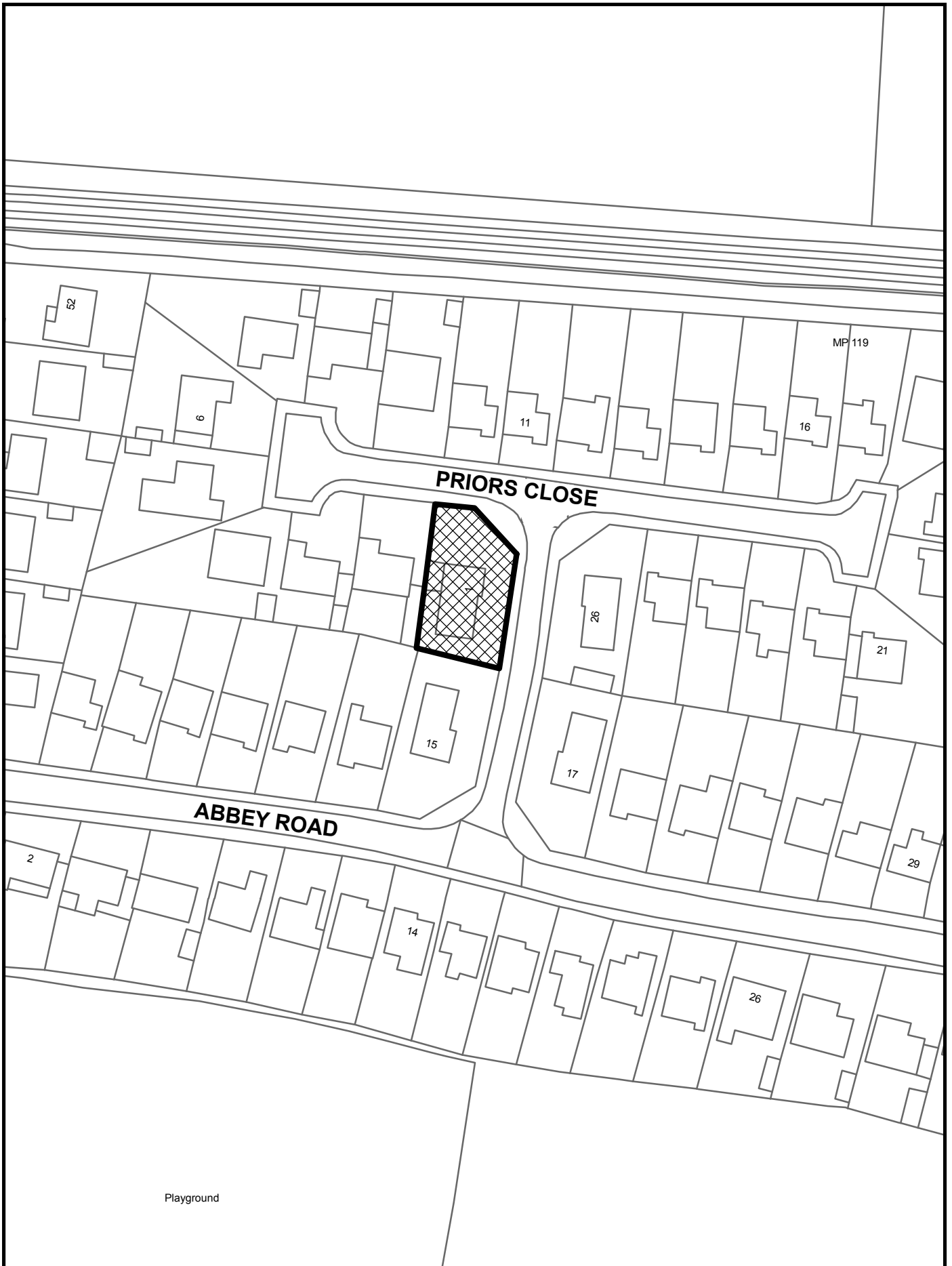
[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

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].

4. The ground floor windows and glazing to the door to the utility room in the side (east) elevation of the proposed development shall be permanently obscure glazed to group 5 level of privacy and no additional windows shall be inserted in this elevation without the prior written approval of the Borough Council.

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



Application Number: 18/01772/FUL
1 Priors Close, Bingham

scale 1:1000

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Rushcliffe Borough Council - 100019419

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18/01772/FUL

Applicant Jason Hull

Location 1 Priors Close Bingham Nottinghamshire NG13 8EP

Proposal Alter boundary fence to 1.5m including trellis and 1.2m high at corner (revised scheme).

Ward Bingham East

THE SITE AND SURROUNDINGS

1. The site comprises a bungalow situated on a corner plot on an estate of similar aged properties with a mix of single storey and two storey properties.
2. The boundary treatment along the frontage formerly comprised paling fencing with a mixture of shrubs and small trees behind.

DETAILS OF THE PROPOSAL

3. The application, which is partly retrospective, relates to the erection of fencing comprising a mixture of concrete kickboard and fence panels, including two sections topped by trellis. The north boundary (1 on plan) would comprise 300mm kickboard, 900mm fence panel topped with 300mm trellis. The corner section (2 and 3 on plan) would comprise 300mm kickboard with fence panel, overall height 1.2m. The front (east) boundary comprises a 3.6m section of fence 1.2m high which it is proposed to retain (4 on plan) and a 1.8m high section including kickboard and trellis (6 on plan) which is also existing. The application also includes the retention of the existing fence adjacent to 2 Priors Close, which is 1.5m including kickboard and trellis (5 on plan).

SITE HISTORY

4. In May 2018, planning permission was refused (retrospective) for the removal of the existing fencing, bushes and trees and replacement with a combination of concrete kickboard with fencing topped by trellis with overall height of 1.5m on the boundary with 2 Priors Close, 1.8m on the north and east boundaries and concrete kick board with close boarded fencing to a height of 2m to the boundary with 15 Abbey Road. It was also intended that the frontage would be open with a single vehicular access. The reason for refusal related to the height of the fencing being out of keeping, obtrusive and detrimental to the visual amenities of the area.

REPRESENTATIONS

Ward Councillor(s)

5. One Ward Councillor (Cllr Hull) has declared a non-pecuniary interest

Town/Parish Council

6. The Town Council does not object.

Statutory and Other Consultees

7. Whilst not consulted on the current application, the County Council as Highway Authority raised no objection to the previous application subject to the proposed fencing not being erected until the existing crossing which was to be made redundant had been reinstated to footway, and the new driveway fronted by a vehicular crossing spanning its full width. They also recommended that the proposed fencing should not be erected until the access driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, drained to prevent the discharge of surface water from the driveway to the public highway, the bound material and the provision to prevent the discharge of surface water to the public highway to be retained for the life of the development. The frontage of the dwelling has been block paved and two individual accesses formed, each incorporating cut-off drains. The original access has been returned to footpath with kerb.

Local Residents and the General Public

8. No representations received.

PLANNING POLICY

9. The Development Plan for Rushcliffe comprises of the Local Plan Part 1 - Core Strategy (LPCS) and the 5 saved policies of the Rushcliffe Borough Local Plan 1996.
10. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) (RBNSRLP). Some weight should also be given to the emerging Local Plan Part 2.

Relevant National Planning Policies and Guidance

11. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that, for decision taking, this means *“approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless: Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in the Framework indicate development should be restricted”*.
12. Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development whilst paragraph 127 states, inter alia, that planning decisions should ensure that development will function well and add to the overall quality of the area and create places that have a high standard of amenity for existing and future users.

Relevant Local Planning Policies and Guidance

13. LPCS Policy 10 (Design and Enhancing Local Identity) states that development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development should be assessed in terms of the criteria listed under section 2 of Policy 10 and of particular relevance to this application are 2(b) whereby the proposal shall be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.
14. In the context of the RBNSRLP, the relevant policy is GP2 (Amenity and Design), which requires that any developments are sympathetic to the character and appearance of neighbouring buildings and the surrounding area in terms of scale, design, materials, etc., do not have a detrimental impact on the amenity of neighbours by reason of overlooking, loss of light, overbearing impact or the type of activity proposed and a suitable means of access and parking facilities can be provided.

APPRAISAL

15. Whilst the present proposals propose similar lengths of fencing, the height has been significantly reduced. Whilst one section is 1.8m in height, this not only incorporates a section of fencing but adjoins a fence of similar height on the neighbouring dwelling at 15 Abbey Road. Overall, the fencing now proposed would be in keeping with that to be found in the vicinity and is considered to be acceptable in terms of the visual amenities of the area.
16. The proposal was subject to pre-application discussions with the applicant and advice was offered on the measures that could be adopted to improve the scheme and/or address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice, reducing delays in the consideration of the application and resulting in a recommendation that planning permission be granted.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following conditions

1. Within three months of the date of this permission, boundary fencing shall be altered/lowered so as to accord with the plans and details received 16th and 22nd August and amended plan received on 20th September, 2018. Thereafter, the boundary treatment shall be retained in accordance with the approved plans.

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

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Planning Committee

25 October 2018

Planning Appeals

Report of the Executive Manager – Communities

LOCATION	53 Park Lane Sutton Bonington Nottinghamshire LE12 5NQ	
APPLICATION REFERENCE	17/01692/FUL	
APPEAL REFERENCE	APP/P3040/W/18/3197696	
PROPOSAL	Development of one detached dwelling house on land between 53 and 55 Park Lane, Sutton Bonington which is presently the garden of 53 Park Lane.	
APPEAL DECISION	Appeal Dismissed	DATE 26th September 2018

PLANNING OFFICERS OBSERVATIONS

The Inspector considered that the main issues were:

- The character and appearance of the host dwelling and its immediate surrounding; and
- The living conditions of the occupiers of 53 and 55 Park Lane, with particular regard to the sense of enclosure.

Noting the range of house types, styles and ages of properties on Park Lane nevertheless the Inspector correctly observed that the applicant's property was the largest within the immediate group of houses and that it impresses with its size, siting, spacious grounds and quality and variety of features. Similarly the adjoining bungalow at number 55 was also observed to be an attractive, decorative property that shares many of the design features of No.53 notably the chimney design and decorative ridge tiles. Whilst neither property is statutory listed or locally listed they are valued as prominent features of the character and appearance of this locality and, due to their context, are significantly different to surrounding dwellings thus making a positive contribution to the character and appearance of this part of the village.

Looking at the proposed dwelling, the Inspector observed that due to the width and siting of the new dwelling it would occupy the vast majority of the existing space between 53 and 55 Park Lane. Whilst not strictly a 'terrace', the proposal would result in a loss of this space which would erode the character and appearance of the host property and the surroundings. Noting the proposed plot is of similar proportions to that occupied by 51 Park Lane the Inspector stated that the relationships to its neighbours were different to the existing spacious and proportionate setting of 53 which would be lost. The proposal would therefore interrupt the centred location of 53 and interrupt the commonality in detailing found in both 53 and 55 to the significant harm of the character and appearance of the host dwelling.

The Inspector also noted that proposal would harm the living conditions of both 53 and 55 Park Lane, and despite the presence of the large privet hedge, would still be overbearing towards the neighbouring bungalow increasing the sense of enclosure as the hedge could not be relied upon to live forever. Overall the combination of the siting, height, depth and massing of the proposed dwelling would, on balance, harm the living conditions of the occupiers of No 53 and 55 with particular regard to a sense of enclosure.

However, the Inspector did not agree that the proposed frontage parking for three cars and the resultant traffic movements would be harmful to highway and pedestrian safety, or that the proposal would impact on the privacy of properties to the rear of the site due to the distances and angles involved. The Inspector also considered the benefit of a single dwelling on the housing supply, concluded that the limited benefits did not significantly and demonstrably outweigh the harm identified in this case and accordingly dismissed the appeal.

COSTS AWARD REFUSED:

A separate costs application was also submitted on the basis that the Local Authority had behaved unreasonably as the application had been subject to extensive pre-application discussions yet was subsequently refused which was unreasonable and erroneous as the proposal was not contrary to national or local policies. No specific examples or details of any unreasonable behaviour were presented. The Local Planning Authority confirmed that there was open dialogue with the applicant, due process was followed, the applicant was advised of the committee determination and an offer to attend and address the committee was extended, but declined.

The Inspector noted that the determination of the application involved matters of planning judgement and that the Planning Committee is not bound to accept its officer's recommendations nor the pre-application advice. Nevertheless, if officer's advice is not followed authorities will need to show reasonable planning grounds and produce relevant evidence to support the decision. The Inspector noted that the reasons for refusal were detailed, followed the minutes of the Planning Committee meeting and the relevant policies of the development plan were cited. The Inspector agreed with the Planning Committee's concerns and refusal reasons in dismissing the planning appeal and found that no unreasonable behaviours resulting in unnecessary or wasted expense had occurred and thus accordingly determined that the costs application should fail.

LOCATION	Saxon Lodge Chapel Lane Upper Broughton Nottinghamshire LE14 3BB	
ENFORCEMENT CASE REFERENCE	E/15/00285/COND	
ENFORCEMENT APPEAL REFERENCE	Appeal A: APP/P3040/C/17/3189140 Appeal B: APP/P3040/C/17/3189141	
BREACH OF PLANNING CONTROL	Without planning permission, erection of brick and breezeblock wall between the points marked A to C on Plan 2 attached.	
APPEAL DECISION	Dismissed	DATE 6 th September 2018

PLANNING OFFICERS OBSERVATIONS

An appeal was lodged against an enforcement notice issued 12 October 2017 for an unauthorised boundary wall at Saxon Lodge (formerly part of Bella Vista). The enforcement notice required the following steps:

- (a) *Demolish the section of wall between points A and B marked on Plan 2 attached and remove the resulting materials from the Land.*
- (b) *Rebuild the section of boundary wall between points A and B marked on Plan 2 attached in brickwork.*

The appellants appealed ground (e) on the basis that copies of the enforcement notice had not been properly served on all those with an interest in the land and that the notice should have been served on the builders. Whilst the Inspector had some sympathy that the appellants had purchased a newly built property without knowledge of the unauthorised wall, he nonetheless agreed that the notice had been correctly served on them as they owned the property at the time of service. The appeal was, accordingly, dismissed and the enforcement notice upheld.

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