

When telephoning, please ask for: Tracey Coop
Direct dial 0115 914 8481
Email democraticservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Wednesday, 6 January 2021

To all Members of the Planning Committee

Dear Councillor

A Virtual Meeting of the Planning Committee will be held via Zoom on Thursday, 14 January 2021 at 6.30pm to consider the following items of business.

The meeting will be live streamed via YouTube for the public to listen and view via the link: <https://www.youtube.com/user/RushcliffeBC>

Note: Please be aware that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

Yours sincerely



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. Minutes of the Meeting held on 10 December 2020 (Pages 1 - 8)
4. Planning Applications (Pages 9 - 68)

The report of the Executive Manager – Communities is attached.

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Telephone:
0115 981 9911

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Opening hours:
Monday, Tuesday and Thursday
8.30am - 5pm
Wednesday
9.30am - 5pm
Friday
8.30am - 4.30pm

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

Membership

Chairman: Councillor R Butler

Vice-Chairman: Councillor Mrs M Stockwood

Councillors: N Clarke, P Gowland, L Healy, A Major, D Mason, J Murray,
F Purdue-Horan, C Thomas and D Viridi

Meeting Room Guidance

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

Recording at Meetings

The Openness of Local Government Bodies Regulations 2014 allows filming and recording by anyone attending a meeting. This is not within the Council's control.

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.



**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 10 DECEMBER 2020**

Held at 6.30 pm in the

PRESENT:

Councillors R Butler (Chairman), Mrs M Stockwood (Vice-Chairman), N Clarke, P Gowland, L Healy, A Major, D Mason, J Murray, F Purdue-Horan, C Thomas and J Stockwood

ALSO IN ATTENDANCE:

OFFICERS IN ATTENDANCE:

T Coop
A Pegram
R Sells
L Webb

Democratic Services Officer
Service Manager - Communities
Solicitor
Democratic Services Officer

APOLOGIES:

Councillor D Viridi

19 **Declarations of Interest**

There were no declarations of interest reported.

20 **Minutes of the Meeting held on 12 November 2020**

The Minutes of the meeting held on 12 November 2020 were approved after Mr Pegram clarified the second reason for refusal for application reference 20/01817/FUL, which had not been included within the printed minutes.

21 **Planning Applications**

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

20/1839/FUL – Erect a building comprising of 2 apartments – 1 Gorse Road, Keyworth, Nottinghamshire.

Updates

In accordance with the Council's public speaking protocol for planning committee, Cllr Rob Inglis (Ward Councillor) addressed the Committee.

Comments

The Committee considered the proposal and requested that the provision of electric vehicle charging points be added as an additional condition to the scheme.

Decision

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 following approved plans: OS Site Map, Block Plan, and COE/300/02 (Proposed Plans Sections and Elevations), received on 30 July 2020.

[For the avoidance of doubt and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. The materials specified in the application (Design and Access Statement) 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 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

4. The windows in the south elevation of the development hereby approved shall be restricted opening to no more than 10cm and fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, the windows shall be retained to this specification.

[In the interest of neighbouring amenity and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

5. The development shall not be brought into use until the shared rear garden space has been provided in accordance with drawing COE/300/02. Thereafter the rear garden shall be retained to this specification, shall not be subdivided and shall be kept available for the use of all residents of the resultant apartment buildings for the lifetime of the development.

[To ensure that the resultant development has sufficient amenity space and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. The development shall not be brought into use until the parking area has been provided, surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and is constructed with provision 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 shall be retained for the life of the development.

[To ensure an adequate form of development in the interests of highway safety and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. Prior to the first occupation of the development hereby approved, a landscaping scheme for the planted area on the frontage shall be submitted to and approved by the Borough Council. The landscaping scheme shall be implemented within the next planting season following the approval of the landscaping scheme. Any trees/plants which subsequently die, become seriously damaged or diseased within a period of five years of planting shall be replaced in the next planting season with others of a similar size and species, details of which shall be agreed in writing with the Borough Council.

[To ensure a satisfactory appearance of development and to comply with policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies]

8. The apartments hereby approved shall be designed and constructed to meet the higher Optional Technical Housing Standard for water consumption of no more than 110 litres per person per day.

[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Local Plan Part 2: Land and Planning Policies].

9. No apartments within the development hereby permitted shall be occupied until a scheme for the provision of electric vehicle charging points has been submitted to and approved in writing by the Borough Council and the points have been installed in accordance with the approved details. Thereafter the charging points shall be maintained and operated in accordance with the approved scheme for the lifetime of the development.

[To promote sustainable modes of transport and to comply with policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

NOTES TO APPLICANT

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development may be CIL chargeable, as the proposal is for apartments, some with independent access. Further information about CIL can be found on the Borough Council's website at:
<https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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.

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

You are advised to ensure disturbance to neighbours is kept to a minimum during construction 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.

The provision of a vehicular footway crossing requires works within the public highway on land outside your control. You are therefore advised to contact the Highways Authority- Nottinghamshire County Council by telephoning 0300 500 80 80.

Condition 8 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission.

Swifts are now on the Amber List of Conservation Concern. One reason for this

is that their nest sites are being destroyed. The provision of new nest sites is urgently required and if you feel you can help by providing a nest box or similar in your development, the following website gives advice on how this can be done:

<http://swift-conservation.org/Nestboxes%26Attraction.htm>

Advice an information locally can be obtained by emailing:

carol.w.collins@talk21.com

20/01744/FUL – Conversion and associated changes to existing agricultural building to single dwellinghouse including formation of domestic curtilage – Grange Farm, Town End Lane, Flintham, Nottinghamshire.

Updates

One representation was received after the agenda had been published and was circulated to the Committee before the meeting.

In accordance with the Council's public speaking protocol, Mr George Machin (Applicants Agent) and Cllr Sarah Bailey (Ward Councillor) addressed the Committee.

Decision

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASON:

1. Other than the steel frame/uprights little of the original building would be retained. As a result of the extensive extensions and alterations proposed to the original building the proposal does not involve the 'reuse' or 'conversion' of an existing building, instead the resultant development would be tantamount to a new building/new build dwelling within the open countryside and is therefore contrary to Policy 22 (Development within the Countryside) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

As Ward Councillor for Musters, Councillor Annie Major removed herself from the meeting and did not take part in the following discussion.

20/00489/FUL – First floor extensions including raising of roof height, balcony to rear, conservatory, internal alterations, replacement grey windows and render brick, and raised decking to rear – 36 Boundary Road, West Bridgford, Nottinghamshire.

Updates

In accordance with the Council's public speaking protocol Mr John Darby (Objector) and Councillor Rod Jones (Ward Councillor), addressed the Committee.

Comments

The Committee considered that the proposal and height of the roof would be over bearing and overshadowing on the neighbouring property adversely impacting on its amenities and that the proposal was over dominant and not in keeping with the street scene.

Decision

PLANNING PERMISSION IS REFUSED FOR THE FOLLOWING REASONS:

1. The increase in the height and mass of the roof arising from the proposed alterations would result in a property of a design that would be out of keeping in the street scene and overbearing and overdominant in relation to neighbouring properties, to the detriment of the character and appearance of the area, and would not have a positive impact on the public realm or sense of place of the area, contrary to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy, Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies, the Rushcliffe Residential Design Guide 2009 and Chapter 12 of the NPPF.
2. The proposed development would be unduly overbearing, overdominant and overshadowing on the neighbouring properties, in particular at 34 Boundary Road, which would be seriously harmful to the residential amenities of the occupiers of this property, contrary to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy, Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies, the Rushcliffe Residential Design Guide 2009 and Chapter 12 of the NPPF.

Councillor Annie Major re-joined the meeting.

20/01543/FUL – Demolition of existing single-storey double garage and the construction of two-storey front extensions, including additional dormer windows. Rear single storey roof alteration from hipped gable end. Landscaping alterations. Re-roofing of existing structure to introduce additional insulation, change of colour of existing windows – Brook Close, 22 Main Street, Kinoulton, Nottinghamshire.

Updates

An additional representation was received from a neighbour objecting to the proposal which was made after the agenda had been published and was circulated to the Committee before the meeting.

In accordance with the Council's public speaking protocol Ms Sharon Gray (Objector) and Councillor Tina Combellack (Ward Councillor) addressed the meeting.

Decision

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 following approved plan(s):

P20-0533_001 01B Proposed ground floor plan
P20-0533_001 02B Proposed first floor plan
P20-0533_002 01B Proposed elevations
P20-0533_002 02B Proposed elevations

[For the avoidance of doubt and to comply with Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

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 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

20/02164/FUL – Erection of single storey rear extension – Walnut Tree Farm, Cotgrave Road, Owthorpe, Nottinghamshire.

Updates

In accordance with the Council's public speaking protocol, Ms Maggie Kenney (Applicant) and Councillor Tina Combellack (Ward Councillor) addressed the Committee.

Decision

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:

1. The extension proposed, in combination with previous additions to the dwelling, is considered to comprise disproportionate additions over and above the size of the original building. As such, it does not fall within the exceptions set out in NPPF para 145 and 146 and would therefore be inappropriate development in the Green Belt. It is not considered that

there are any 'very special circumstances' in this case which would outweigh the identified harm to the Green Belt. The development is contrary to Policy 21 of the Local Plan Part 2: Land and Planning Policies, and section 13 of the NPPF.

The meeting closed at 10.20 pm.

CHAIRMAN

DRAFT



Planning Committee

14 January 2021

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.

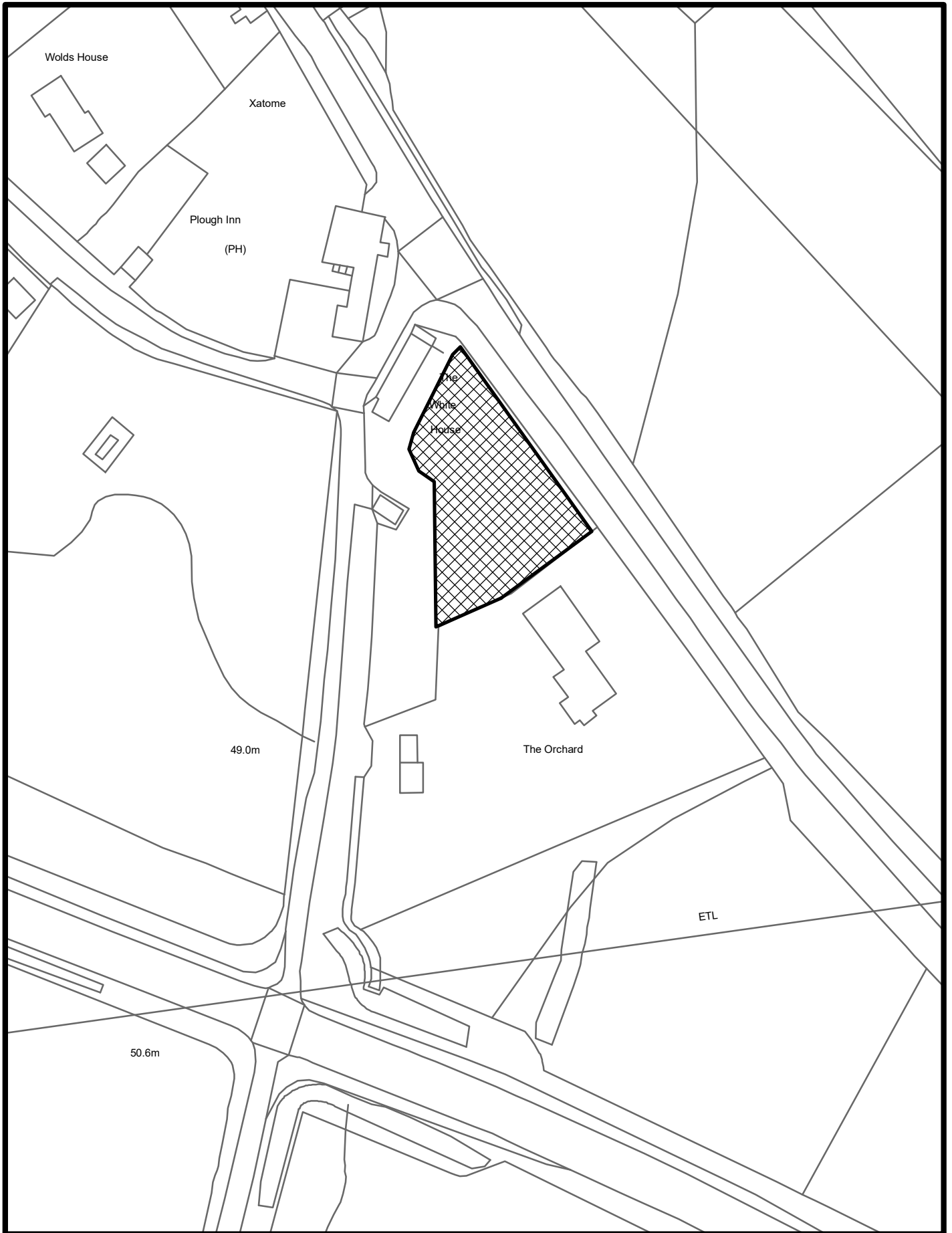
If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

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

Application	Address	Page
20/02691/VAR	Land South East Of The White House, Old Melton Road, Normanton On The Wolds, Nottinghamshire. Variation of Condition 2 (Change two storey dwellings to three-storey, extending houses by 1m. Second floor dormer windows to front and rear elevation and side elevation windows to second floor. Changes to floor and elevation plans.) of planning permission 19/02195/FUL.	13 – 25
Ward	Tollerton	
Recommendation	Planning permission be granted subject to conditions	
20/02539/FUL	The Lodge, 91 Loughborough Road, Ruddington, Nottinghamshire, NG11 6LL Minor extension to the site entrance lodge, new hardstanding areas, fencing and the upgrading of the woodland access track, demolition of existing security office building (Amended Description/Part Retrospective)	27 – 38
Ward	Ruddington	
Recommendation	Planning permission be granted subject to conditions.	
20/02788/FUL	45 Sharpley Drive, East Leake, Nottinghamshire, LE12 6QT Erection of two-storey side & rear extension. (Resubmission)	39 – 47
Ward	Leake	
Recommendation	Planning Permission be granted subject to conditions.	

Application	Address	Page
<u>20/02687/FUL</u>	31 Roulstone Crescent, East Leake, Nottinghamshire, LE12 6JL Two storey front and rear and single storey side and rear extensions with application of rendering. (Resubmission)	49 – 60
Ward	Leake	
Recommendation	Planning Permission be granted subject to conditions.	
<hr/>		
<u>20/02715/FUL</u>	1 Dorset Gardens, West Bridgford, Nottinghamshire, NG2 7UH Erection of new boundary brick wall and piers to the front of nos. 1 and 3 Dorset Gardens (Retrospective) (Resubmission).	61 – 67
Ward	Compton Acres	
Recommendation	Planning permission be granted subject to conditions.	

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20/02691/VAR

**South east of The White House,
Normanton on the Wolds**



scale 1:1000

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20/02691/VAR

Applicant Mr Sinder Singh

Location Land South East Of The White House Old Melton Road Normanton On The Wolds Nottinghamshire

Proposal Variation of Condition 2 (Change two storey dwellings to three-storey, extending houses by 1m. Second floor dormer windows to front and rear elevation and side elevation windows to second floor. Changes to floor and elevation plans.) of planning permission 19/02195/FUL.

Ward Tollerton

THE SITE AND SURROUNDINGS

1. The application relates to a broadly triangular 1000sqm area of land situated on the south east edge of Stanton on the Wolds. The site comprises an open grassed area enclosed by mature trees with a dense tree and hedgerow screen along the front boundary. There is an existing access off Old Melton Road to the south east corner of the site. The site is located between The Orchard, a two storey dwelling to the south, and the White House, a two storey cottage to the north, on ground level which is set approximately 2 metres lower than the application site. The site falls within the Green Belt. The site is within the Normanton on the Wolds Conservation Area. The Townscape Appraisal identifies a significant hedge along the front boundary and a significant group of trees to the rear of the site.

DETAILS OF THE PROPOSAL

2. Planning permission was sought for the erection of two detached dwellings with associated access and parking under planning reference 19/02195/FUL, the application was refused and subsequently allowed on appeal on 22 December 2020 (appeal ref: APP/P3040/W/20/3248066). The current application seeks to vary condition 2 as set out in the Inspector's schedule of conditions, which required the development to be carried out in accordance with the approved plans, to amend the approved application plans and the design of the dwellings.
3. The variation of conditions application seeks a 0.5 metre increase in the ridge height of both dwellings to 9 metres. The eaves height would be increased by 0.27 metres. Both dwellings would be increased in depth by a metre and would feature a pitched roof dormer window and roof light in the front roof slope, and two pitched roof dormers and a roof light in the rear roof slope. There would be no change in the height of the one-and-a-half storey side projection to both dwellings, however the previously proposed front and rear dormer in this section would be increased in height by 0.2 metres with a steeper roof pitch.
4. The dwellings would maintain the same set-back from the boundaries with The White House and The Orchard as approved, this distance being 12 metres and

1.5 metres respectively. The set back from the highway would be 9 metres for plot 1 and 7 metres for plot 2 as per the previously approved plans. The rear gardens of both dwellings would be reduced in depth by a metre as a result of the increase in the depth of the dwellings. Both dwellings would now feature a chimney stack to the north-west elevations. There would be individual vehicular accesses for both dwellings as per the approved application.

SITE HISTORY

5. U1/87/0137/P - Erection of one dwelling. Refused in 1987. Appeal dismissed.
6. 96/00820/OUT - Erect one detached dwelling (outline). Refused in 1996.
7. 03/00691/FUL - Erect single and two storey dwelling. Refused in 2003.
8. 19/02195/FUL - Construction of two 2-storey dwellings with associated access and parking arrangements and the widening of the existing vehicular access to the highway (resubmission). Refused 13 November 2019. Allowed on appeal 22 September 2020.
9. 20/01029/FUL - The construction of two 2-storey dwellings with associated access and parking arrangements and the widening of the existing vehicular access to the highway (resubmission). Refused 2 July 2020.

REPRESENTATIONS

Ward Councillor(s)

10. The Ward Councillor (Cllr Mason) objects to the application on the basis that it is still over-intensive to the White House and overbearing. There are also access issues. It is not an improvement on the previous application.

Town/Parish Council

11. The Parish Council object to the application, commenting that the addition of a third level would create an overwhelming development of the site and it would tower over The White House cottage. The proposal would bring it close to pylons that cross the site, potential National Grid implications. They fail to understand how the previous development got permission in the Conservation Area or how it is proposed to connect the properties to the highway. They raise strong opposition on the grounds that that it would dwarf the White House and result in an overbearing and out-of-place development, harming the A606 and Platt Lane approaches.

Statutory and Other Consultees

12. Nottinghamshire County Council's Archaeology Officer commented that her comments on the previous application still stand. The proposed development sits on a plot at what appears to be the southern end of the Medieval village core, historical maps show the presence of a pinfold on the plot which appears to have been lost. It was recommended that archaeological investigation is carried out through a strip, map and sample programme.

13. Following explanation from the case officer that planning permission had previously been granted at appeal without archaeological conditions, the Archaeological Officer withdraw her previous observations.
14. The Borough Council's Conservation Officer considers that the proposal would not harm the special interest of the Conservation Area. The plots would be screened by mature vegetation with direct views via the access openings, however these openings would be similar to other established properties in the Conservation Area where breaks in the hedgerow boundaries occur. As the majority of the existing hedgerow would be retained the enclosed rural feel of the land will not be significantly weakened. The recessed position of the proposed accesses behind the wide grass verge would help to diminish their presence in long views along Old Melton Road. Any views or glimpses from the Conservation Area or into the Conservation Area would not be affected in a way that could harm the special interest of the Conservation Area.

Local Residents and the General Public

15. Representations raising objections have been received from 6 neighbours/ members of public with the comments summarised as follows:
 - a. Dominant and overbearing impact on The White House.
 - b. Impact on openness and character of the Conservation Area, visually prominent on southern approach into the village.
 - c. The removal of trees/hedges will increase the visual impact.
 - d. Hedgerow behind The White House has been removed.
 - e. Significant parking issues exist - patrons/deliveries for the Plough and other business and uses in the vicinity.
 - f. Traffic issues - it is only 'lightly trafficked' due to the pandemic. Proximity of entrances to the Platt Lane junction will cause traffic problems.
 - g. Old Melton Road is a main bus route and school bus route.
 - h. Adverse impact on the rural and historical character of the streetscene.
 - i. Site is elevated circa 2 metres above The White House, impact on privacy and light.
 - j. 3 storey buildings out of keeping with the village.
 - k. Road alongside the application site is narrow, cars parked opposite would prevent cars turning to exit the site.

PLANNING POLICY

16. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies

(LPP2), which was adopted on 8 October 2019. Other material considerations include the 2019 National Planning Policy Framework (NPPF), the National Planning Practice Guidance (the Guidance), and the 2009 Rushcliffe Residential Design Guide.

Relevant National Planning Policies and Guidance

17. The relevant national policy considerations for this proposal are those contained within the NPPF (2019) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. In accordance with paragraph 11c), development proposals that accord with an up-to-date development plan should be approved without delay.
18. 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. 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 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.
19. As the site falls within a conservation area, the proposal falls to be considered under section 16 of the NPPF (Conserving and Enhancing the Historic Environment). Where a development would lead to substantial harm to, or total loss of, a designated heritage asset, then permission should be refused unless it can be demonstrated that substantial public benefits can be achieved that outweigh the harm or loss, or that all of the following criteria under paragraph 195 can be satisfied:
 - a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
20. Under paragraph 196 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
21. Further to this, the Borough Council has a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

22. The site falls within the Green Belt and therefore the proposal falls to be considered under section 13 of the National Planning Policy Framework (Protecting Green Belt Land) and should satisfy the 5 purposes of Green Belt outlined in paragraph 134 of the NPPF. Paragraph 143 sets out that development in the Green Belt should be regarded as inappropriate which is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 144 requires that substantial weight should be given to any harm to the Green Belt. Exceptions to inappropriate development are set out in paragraph 145 of the NPPF. Certain other forms of development listed under paragraph 146 are also not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of keeping land within it.

Relevant Local Planning Policies and Guidance

23. LPP1 Policy 1 reinforces the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the NPPF. The proposal falls to be considered under LPP1 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, specifically 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; 2(g) in terms of assessing the proposed materials, architectural style and detailing; and i) in terms of the setting of heritage assets. The proposal falls to be considered under Policy 11 (Historic Environment).
24. LPP1 Policy 8 (Housing Size, Mix and Choice) states that residential development should provide a mix of housing tenures, types and sizes. Paragraph 7 of this policy states that where there is robust evidence of local need, such as an up to date Housing Needs Survey, rural exception sites or sites allocated purely for affordable housing will be permitted within or adjacent to rural settlements.
25. The proposal falls to be considered under Policy 1 (Development Requirements) of the LPP2 which states that Planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, the criteria listed under this policy are met. The proposal falls to be considered under LPP2 policy 11 (Housing Development on Unallocated Sites within Settlements). Given the location of the site within the Green Belt, the proposal falls to be considered under Policy 21 (Green Belt). This policy states that decisions should be in accordance with the Green Belt policy set out in the NPPF. The proposal also falls to be considered under Policy 28 of the Local Plan Part 2 (Conserving and Enhancing Heritage Assets).
26. The site falls outside of the Key Settlements identified for growth under LPP1 Policy 3, whereby outside of these areas development should be for local needs only. This is clarified through paragraph 3.3.17 which states that local needs will be delivered through small scale infill development or on exception sites. Paragraph 3.9 of the LPP2 lists a number of smaller settlements which

are capable of accommodating a limited number of dwellings. Paragraph 3.10 states that beyond these allocations, development will be limited to small scale infill development, defined as development of small gaps within the existing built fabric of the village or previously developed sites whose development would not have a harmful impact on the pattern or character of the area.

APPRAISAL

27. The proposal falls to be considered under LPP2 Policy 11 (Housing Development on Unallocated Sites within Settlements), whereby planning permission will be granted for development on unallocated sites subject to compliance with the criteria listed under part 1 of this policy. Of specific relevance are criteria a, b, c, f, and g whereby planning permission will be granted provided:
- a) the proposal in terms of scale and location is in accordance with Local Plan Part 1: Core Strategy Policy 3 (Spatial Strategy);
 - b) the proposal is of a high standard of design and does not adversely affect the character or pattern of the area by reason of its scale, bulk, form, layout or materials;
 - c) the existing site does not make a significant contribution to the amenity of the surrounding area by virtue of its character or open nature;
 - f) the proposal would not cause a significant adverse impact on the amenity of nearby residents and occupiers; and
 - g) appropriate provision for access and parking is made.
28. In considering criterion a) above, the principle of a residential development of two detached dwellings was established through the permission granted at appeal for planning application 19/02195/FUL. The main changes proposed in this variation of conditions application are enlargement of both dwellings through a 0.5 metre increase in their ridge height, a metre increase in their depth, and the addition of front and rear dormers. In considering criterion g) above, there would be no change to the previously approved access or parking arrangements.
29. In terms of the matter of Green Belt, paragraph 145 of the NPPF sets out certain exceptions to inappropriate development which includes criterion e) limited infilling in villages. The Inspector's appeal decision determined that a development of two dwellings would be limited in numerical terms, and that the overall development would not be excessive in scale. The development would fill the space in the built form between The White House and The Orchard and, therefore, the Inspector concluded that the proposal would constitute limited infill for the purposes of paragraph 145e), thus not constituting inappropriate development in the Green Belt.
30. Taking into account the fairly modest half a metre increase in height of both dwellings coupled with the increased footprint, it is not considered that the amendments now proposed would be of such a scale that it would no longer fall within the parameters of 'limited infill' as defined in the appeal decision, given that the assessment was based on the quantum of development and its relationship with the surrounding pattern of built form. Whilst the increase in roof height and the addition of dormers would add to the massing of the

properties, it is not considered this would have a significantly greater impact on the openness of the Green Belt than the approved application so as to go beyond the definition of limited infill.

31. In terms of the impact on the character and appearance of the conservation area, the front boundary hedgerow is identified in the Townscape Appraisal as a significant hedge which make a positive contribution to the conservation area. The proposal would result in the punctuation of this hedge to create an additional vehicular access point. The planning Inspector in the appeal decision noted that the hedgerow is not wholly uninterrupted, and openings within hedgerows are a common feature of rural lanes. The Conservation Officer considers that as the majority of the frontage hedgerow would remain, the enclosed rural feel of the land would not be significantly weakened.
32. It is noted that some boundary tree/hedgerow removal has taken place. This removal is currently subject to investigation, however the Design and Landscape Officer has confirmed that some of the work carried out is justified on the basis of various trees being in a poor condition, as identified in an Arboricultural report commissioned by the application. Replacement planting is sought by way of a landscaping scheme and the Design and Landscape Officer has reminded the applicant of their duty to plant replacements for the Ash and 2 Plum trees that were removed.
33. Whilst the tree/vegetation removal that has taken place has opened up further views into the site, the dwellings would be set back 7 - 9 metres from the highway, recessed behind a wide grass verge. It is thus considered that the dwellings would not appear overly prominent in long distance views along Old Melton Road.
34. The Inspector considered that the proposed dwellings would form part of a continuous line of development, and that the traditional design and materials would not appear discordant or uncharacteristic of the rural character of the village. It is not considered that the amendments now proposed through the variation of conditions application, namely the addition of dormers and raising of the ridge height, would change this overall position.
35. It is thus concluded that the variations now proposed would not result in harm to the special interest of the conservation area. The proposal would thus preserve the character and appearance of the conservation area as a desirable objective under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
36. In terms of neighbouring amenity, the concerns regarding the potential overbearing impact on The White House are noted. The application site is elevated relative to this neighbour. The dwelling on Plot 2 would however be set 12 metres from the boundary with The White House, a relationship that was considered acceptable in the previous application. The proposed increase in the height and depth of the dwelling, together with the addition of dormers would add to the bulk and massing of the side profile of Plot 2. Given the relatively modest half a metre increase in the roof ridge height, coupled with the separation distance from this neighbour, it is not considered that there would be a harmful overbearing or overshadowing impact on this neighbour.

There would be no windows in the side elevation facing this neighbour and, therefore, there would be no unacceptable overlooking from the proposed dwelling.

37. The dwelling on Plot 1 would retain the same set-back from the boundary with The Orchard as in the approved application. The 'one-and-a-half storey' side projection adjacent to this neighbour would retain the same height and footprint as in the approved application. The front and rear dormers would have a 0.2 metre increased ridge height, but it is not considered that this would materially impact upon this neighbour.
38. A replacement dwelling is currently under construction at The Orchard following the grant of planning permission under reference 18/02788/FUL. The relationship between Plot 1 and this replacement dwelling has been considered. This neighbouring dwelling, once complete, would be set away from the boundary by 3.9 metres at the closest point, with a single storey side projection featuring a utility. The main two storey dwelling would be set away circa 8 metres from the boundary with the application site. The side elevation of the replacement dwelling would feature a first floor en-suite window but no windows serving habitable rooms. The proposed dwelling on Plot 1 would not impact upon the front and rear habitable room windows of this neighbouring replacement dwelling.
39. The archaeology officer comments are noted, however the matter was identified as a constraint during the course of the 2019 application and the appeal decision did not include an archaeological condition. It would therefore seem unreasonable to attach the condition to this application (which is only a minor variation) and the archaeological officer has withdrawn her comments.
40. In conclusion, the principle of development was established through application 19/02195/FUL which was allowed on appeal. It is not considered that the changes proposed through the variation of conditions application would change the previously established position of the site as a limited infill development, or that the changes would result in harm to the character and appearance of the conservation area. The overall appearance in the street scene is considered acceptable subject to a suitable landscaping scheme. It is not considered that the changes would result in harm to the amenities of the neighbouring properties.
41. The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary, resulting in a 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 following approved plans: Location Plan, GA331/26 (Visibility Splays), Block Plan, GA331/20 (Proposed Plot 1 Plans), GA331/21A (Proposed Plot 1 Second Floor Plan and Side Elevations), GA331/22A (Proposed Plot 1 Front & Rear Elevations), GA331/23 (Proposed Plot 2 Ground and First Floor Plans), GA331/24 (Proposed Plot 2 Second Floor Plan and Side Elevations), and GA331/25 (Proposed Plot 2 Front & Rear Elevations), received on 30 October 2020.

[For the avoidance of doubt and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. No construction of the dwellings shall take place above 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 policy 1 (Development Requirements) and Policy 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4 x 43m are provided at each access in accordance with details to be first submitted and approved in writing by the Borough Council. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m metres in height.

[In the interests of highway safety and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary, with provision to prevent the discharge of unregulated discharge of surface water onto the public highway. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material with provision to prevent surface water runoff for the life of the development.

[In the interests of highway safety and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. No trees or hedgerows shall be removed during the development until details of any trees/hedgerow to be removed have been submitted to and approved in writing by the Borough Council and the works shall be carried out in accordance with the details as approved.

[In the interests of the appearance of the area and to comply with policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1: Core Strategy].

7. Prior to the commencement of development or other operations being undertaken on site a scheme for the protection of the retained trees produced in accordance with BS5837 (Trees in Relation to Construction 2012: Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

[In the interests of the appearance of the area and to comply with policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1: Core Strategy].

8. The development shall not be brought into use until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[To make sure that a satisfactory landscaping scheme for the development is implemented in the interests of the appearance of the area and to comply with policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1: Core Strategy].

9. Should any protected or priority species be found to be present on site then all work shall cease and mitigation measures shall be submitted to an appropriately qualified ecologist. No further work shall be undertaken until these mitigation measures have been approved in writing by the Borough Council and works shall proceed only in accordance with the agreed mitigation measures.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy].

10. The dwellings hereby approved shall be designed and constructed to meet the higher Optional Technical Housing Standard for water consumption of no more than 110 litres per person per day.

[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

Notes to Applicant

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at: <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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.

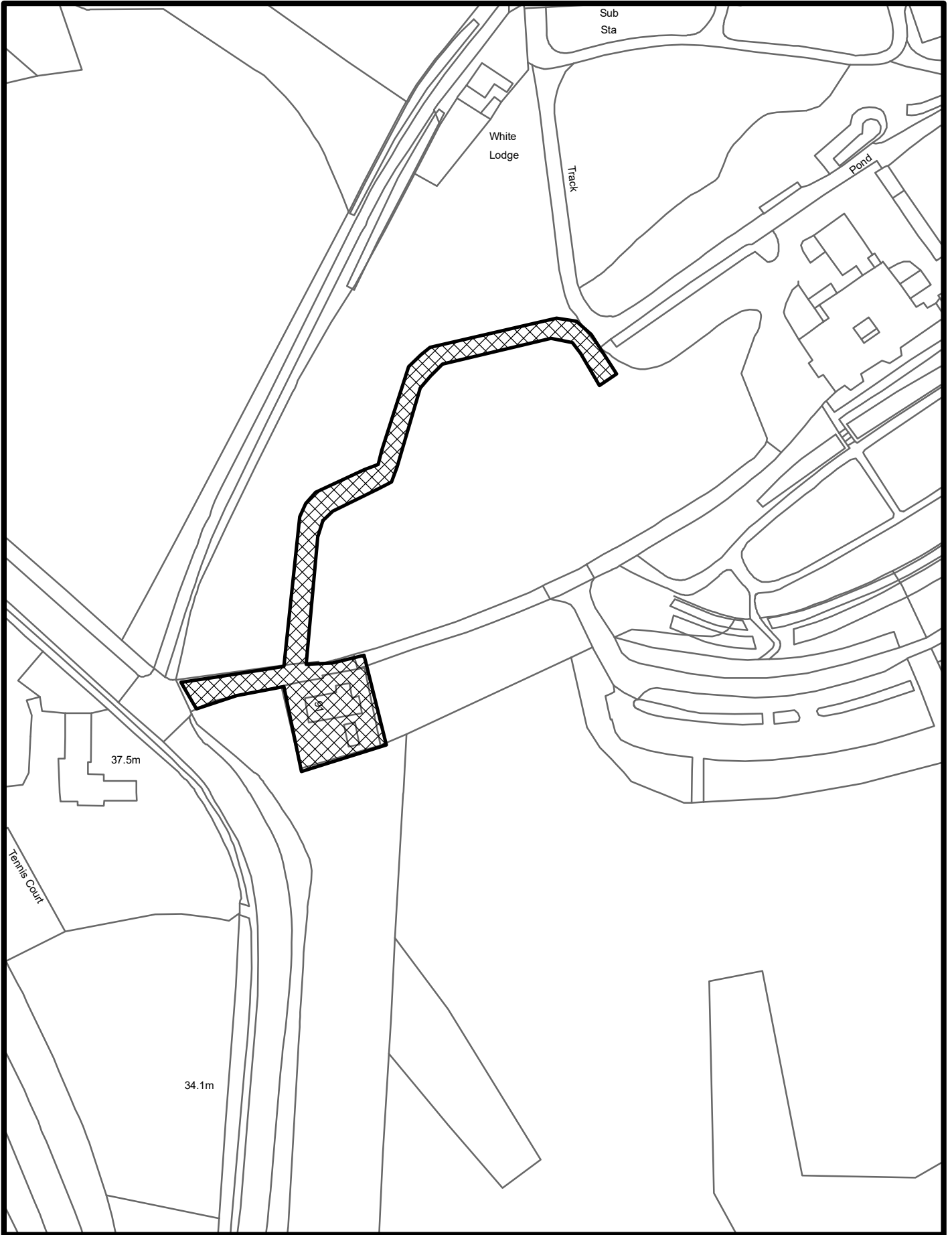
You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact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

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

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

Condition 10 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission.

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20/02539/FUL

 **The Lodge, Ruddington Hall,
91 Loughborough Road, Ruddington**

scale 1:1500

page 27

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20/02539/FUL

Applicant Mr Nigel Featherstone, MHR Global Holdings Ltd

Location The Lodge, 91 Loughborough Road, Ruddington, Nottinghamshire, NG11 6LL

Proposal Minor extension to the site entrance lodge, new hardstanding areas, fencing and the upgrading of the woodland access track, demolition of existing security office building (Amended Description/Part Retrospective)

Ward Ruddington

THE SITE AND SURROUNDINGS

1. The application relates to the site of Ruddington Hall, which is currently used as office headquarters for the company MHR, an HR and payroll outsourcing company. The site predominantly consists of the main hall, an estate office building, an entrance lodge and significant surrounding estate land. This application specifically relates to the entrance lodge building and the general area surrounding the entrance. The entire site is located in countryside to the north east of the village of Ruddington and is within the Nottingham-Derby Green Belt.
2. Ruddington Hall was built in 1860 as a private residence. The main hall itself lies approximately 170 metres to the north east of the main entrance to the site and is considered to be a non-designated heritage asset by virtue of its age and significance as a building. The Lodge at the main entrance was originally a residential dwelling but now operates as the reception offices. A smaller, former garage building which lies alongside the lodge provides a security office.
3. The northern part of the site is heavily tree covered and a number of trees around the site entrance are covered by Tree Preservation Orders. There is a neighbouring residential property lying directly opposite the entrance to the site but aside from this there are no other properties within close proximity. A bridleway, 'Old Road' runs around the north western boundary of the site. Mickleborough Hill also lies to the north of the site.

DETAILS OF THE PROPOSAL

4. Planning permission is sought for the following works:
 - a. Two extensions to the front elevation of the Lodge. One extension would provide a new pitched canopy roof over the main entrance door measuring 3.27 metres high. The other would provide a 3.25 metre wide bay window with a pitched roof measuring 4.075 metres high.

- b. Replacement of a window with a new door on the western (side) elevation.
 - c. Demolition of the garage building, which now serves as a security office, lying on the western side of the Lodge. The area where the building stands is to become a turning area for vehicles.
 - d. New areas of block paving around the Lodge and opposite the building to provide parking spaces.
 - e. Replacement of the existing security barrier with retractable security bollards set within 'rumble strips' of raised cobbles.
 - f. The removal of existing palisade fencing and hedgerows around the entrance to the site and their replacement with new estate style, 1.2 metre high metal fencing.
5. Retrospective permission is also sought for the hard surfacing of a track running between the site entrance and the car park of the main Hall, including the provision of edging kerbs and drainage. The southern end of the track by the site entrance is also to be fitted with retractable security bollards.

SITE HISTORY

- 5. The following site history refers specifically to the Lodge.
- 6. 05/01422/FUL - Extend garage to form security cabin/store; widen access; install security barriers and lockable gates/change of use of bungalow to offices. Approve 3 January 2006
- 7. 75/00976/HIST - Side extensions and alterations. Approved 10 November 1975

REPRESENTATIONS

Ward Councillor

- 8. One Ward Councillor (Cllr J Walker) objects to the proposal as it represents encroachment onto a non-designated heritage asset. There is no official path and it is damaging traditional woodland in Green Belt.

Town/Parish Council

- 9. Ruddington Parish Council believes that some of this work may have been completed already but would support the request for an ecological assessment.

Statutory and Other Consultees

- 10. Nottinghamshire County Council as Highways Authority has no objections to the proposal.

11. The Borough Council's Landscape and Design Officer does not object to the proposal but recommends conditions are attached to a permission relating to the provision of a landscape scheme and tree protection measures.
12. In relation to the retrospective application for a track through the woods, the Officer confirms that he has been to the site on a number of occasions, but cannot confirm if there was originally a track in this location and whether this would have mitigated the impact on tree roots. A traditional construction has been used which will have resulted in some root damage; it would have been preferable if a no-dig or reduced dig construction had been used and this would have resulted in the finished level of the road being raised above ground level. Trees can tolerate changes to their environment, but as they get older, they struggle to adapt and it can be a number of years before the effects of root damage on trees fully manifests itself.
13. The trees are protected by a TPO, so if the trees decline and need to be removed the Council can ensure replacement planting takes place, this will ensure the woodland remains.
14. A small number of trees located close to the edge of the road could be adversely affected, but the impact on the wider woodland will be minor. Removing the road and reinstating topsoil would be slightly advantageous to nearby trees as it would provide a better rooting habitat, but it is doubted that this would help the most affected trees where large roots could have been potentially severed. It is also noted that removing the road would be a major undertaking and it is instead suggested the best way to mitigate any public harm to the amenity of the adjacent right of way would be to use a landscape condition to ensure some replacement tree planting takes place along the new road. along with some native shrub planting along the site boundary.
15. As long as there is no change in ground level where the guard building is to be demolished and the new parking space provided there should be no harm to the tree on the south side of the access road.
16. The trees on the northern side of the access road have been examined. As the new access will need to link with access road level some excavation will be needed. If the surfacing extends into the root protection area of a neighbouring Lime a no-dig construction should be used. In order to compensate for the work to link the access to the new access road, it is suggested that the proposed parking area to the opposite side of the tree should be reduced in size to leave an area free from construction.
17. The Borough Council's Environmental Sustainability Officer notes that the applicant has stated that there are no protected or priority species, habitats or sites on or adjacent to the application site that will be impacted by this development. The buildings and trees (age, type and setting) in the development area appear to be able to support protected or priority species, therefore a Preliminary Ecological Appraisal is recommended provided prior to the determination of this application. Where possible an assessment to

demonstrate biodiversity net gain should also be provided with the means to support this gain in the long term.

Local Residents and the General Public

18. 12 neighbouring properties have been individually notified and the application has been publicised by notices at the site. One representation has been received which raises concerns that the proposal represents 'townified' encroachment at a non-designated heritage asset in the Green Belt countryside.

PLANNING POLICY

19. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the National Planning Policy Framework (2019), the National Planning Practice Guidance and Supplementary Planning Documents (SPD's).

Relevant National Planning Policies and Guidance

20. The relevant national policy considerations for this proposal are those contained within the 2019 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 following sections of the NPPF are relevant to this application:
 - Section 12 - Achieving well-designed places.
 - Section 13 - Protecting Green Belt Land.
 - Section 15 - Conserving and Enhancing the Natural Environment.
 - Section 16 - Conserving and Enhancing the Historic Environment.

Relevant Local Planning Policies and Guidance

21. The following policies of the Rushcliffe Local Plan Part 1: Core Strategy (2014) are considered relevant to this application:
 - Policy 1 - Presumption in Favour of Sustainable Development
 - Policy 4 - Nottingham-Derby Green Belt
 - Policy 10 - Design and Enhancing Local Identity
 - Policy 11 - Historic Environment
 - Policy 17 - Biodiversity
22. The following policies of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) are considered relevant to this application:
 - Policy 1 - Development Requirements.
 - Policy 21 - Green Belt
 - Policy 28 - Conserving and Enhancing Heritage Assets

- Policy 37 - Trees and Woodlands
- Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network

23. The draft Ruddington Neighbourhood Plan is currently being consulted on but is not yet adopted. Therefore, whilst it is a material consideration it has limited weight. Policy 14 of the plan states that proposals should take into account the impact of development on non-designated heritage assets and part 2 includes a Design Guide for minor development.

APPRAISAL

Principle of Development within the Green Belt

24. Paragraph 144 of the NPPF advises that; *“When considering any planning application, local planning authorities should ensure 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.”* Furthermore, the NPPF states at paragraph 145 that the construction of new buildings within the Green Belt should be regarded as inappropriate development which, by definition, is harmful to the Green Belt and should not be supported except in very special circumstances. However, a number of exceptions to this overarching policy are set out in paragraph 145, 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”*.
25. This national policy advice is reinforced within policy 21 of the LPP2, which states that applications for development within the Green Belt should be determined in line with the NPPF.
26. In this case the planning history indicates that the entrance lodge building may have been previously extended. However, it is necessary to consider the cumulative additions to the building when considering whether the current proposal would result in a disproportionate addition over and above the size of the original building. In this instance, the further extensions proposed under this application are extremely minor in terms of scale and massing, in particular the entrance canopy involves a roof projection covering an area which would remain open. The accompanying statement to the application advises that the additions would represent only 2% of the total floor area.
27. It is also proposed to remove the security building, however, this building was already proposed to be demolished as a compensatory measure for extensions to the estate office elsewhere on the site. The extension to the estate office was considered to be disproportionate and the removal of the security building formed part of a package of considerations that were deemed to represent very special circumstances. Notwithstanding the previous extensions to the lodge building it is considered that the proposed extensions to the building do not result in disproportionate additions over and above the original building and are

therefore not considered to constitute inappropriate development within the Green Belt.

28. Paragraph 146 of the NPPF also includes a list of 'other forms of development' which are not inappropriate, including 'engineering operations', providing the openness of the Green Belt is preserved and they do not conflict with the purposes of including land within the Green Belt. The proposed hard-surfacing, fencing and other new security measures would be deemed to be engineering operations of a minimal scale which would not compromise openness. The hard-surfacing of the track through the site would also be considered an engineering operation. This latter work has already been carried out, however, the track runs through dense woodland and it is again not considered that it has compromised openness to any significant degree or conflicts with the aims of Green Belt policy.
29. It is therefore concluded that the proposed development is not inappropriate within the Green Belt and is acceptable in principle.

Impact of the proposals on the character and appearance of The Lodge and the wider site of Ruddington Hall.

30. LPP1 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 valued local characteristics. This is reinforced under policy 1 of the LPP2, which also states that development should be sympathetic to the character and appearance of the surrounding area and ensure there is no serious adverse effects on landscape character.
31. The Lodge building is a single storey, rendered building under a tiled pitched roof. Two small extensions are proposed, a new bay window on the western half of the building and a canopy entrance porch. Matching render and roof tiles to the existing building are to be used for the additions. The bay window has been designed to reflect the proportions and style of the existing front bay window on the eastern half of the building. It should be an attractive and balanced addition to the building. The new canopy roof over the main entrance and new side door would also have no negative impact on the character and appearance of the building.
32. The accompanying letter with the application draws attention to the current palisade fencing around the entrance to the site which is considered fairly crude and unattractive in appearance. The proposed new park estate style black fencing is considered to be appropriate for the rural location and heritage value of the site and should represent an improvement to the appearance and setting of the site entrance. It is noted that some small sections of hedgerow are to be removed around the entrance, however, these are small sections of landscaped hedgerow which are low in height and do not make any significant contribution to the landscape character of the area.

33. The new retractable bollards set within cobbled 'rumble strips' are also a discreet method of security for the site and sympathetic to the setting and appearance. They should also represent a visual improvement over the existing, more conspicuous security barrier. The proposed areas of paving should also complement the site.
34. Retrospective permission is sought for the works to hard surface the track through the woodland to the north of the lodge building, which is the subject of a Tree Preservation Order, from the entrance to the car park of the main Hall. This specific aspect of the application has prompted concern from a local respondent and Councillor Walker.
35. The Council's Landscape and Design Officer has been to the application site to inspect the works. As advised in the consultation response, a small number of trees located close to the edge of the road could have been adversely affected, but the impact on the wider woodland is deemed to be minor and can be mitigated by replacement tree and hedgerow planting. Whilst it is regrettable that these works were carried out without permission, it appears unlikely that such permission would have been refused. The provision of a landscaping scheme for the approval of replacement planting forms part of the recommendation.
36. Concerns have been raised in relation to the impact on Ruddington Hall itself, which is considered to be a non-designated heritage asset, however, this building lies some distance away from the site entrance and the works around the Lodge. Furthermore, the track which has been hard surfaced runs through dense woodland. It is not considered that the setting of the main hall would be adversely impacted by the proposals, including the hard surfacing to the track which has already taken place.
37. There is a large, residential dwelling located directly opposite the entrance to Ruddington Hall, however, it is not considered that any of the proposed works would have any material impact on the amenity of this dwelling.
38. The proposed works are therefore considered to accord with the aims of LPP1 policy 10 and policy 1 of the LPP2 and have the potential to make a positive contribution to the site and wider landscape character of the area.

Additional Arboricultural & Ecology Matters

39. Due to the extent of tree coverage within the site, the application has been accompanied by a Tree Survey. The survey concentrates on the trees around the entrance to the site. It is noted that consent was granted in May 2019 (19/01139/TPO) for various works to trees around the site and the tree survey confirms that the works have been carried out in accordance with this consent.
40. The Council's Landscape and Design Officer has raised no objections to the proposed works but requested a condition in relation to the provision of a tree protection plan and no-dig construction method for prior approval, prior to the commencement of works. This condition has been agreed by the Agent and is

included in the recommendation. With this protection, the proposal accords with the aims of LPP2 policy 37 and should not adversely affect the protected trees and woodland of the site.

41. It is noted that the Environmental Sustainability Officer has requested a Preliminary Ecological Appraisal to assess whether protected species would be impacted by the development. However, taking into account the minor level of proposed works, it is not considered that in this case this would be justified.
42. It is noted that the application includes the demolition of the security office building which is located next to the main entrance lodge. The removal of this building is also an element of a recently approved application for an extension to the Estate office building in another part of the site (application 20/02458/FUL). This building is relatively small and recently built. It is therefore considered that a specific bat survey is not required in this instance, although a note to applicant is recommended to advise that bats, their roosts and access to roosts are protected under the Countryside and Wildlife Act 1981.
43. The Agent has confirmed that several bat and bird boxes can be erected around the entrance to the site to provide biodiversity gain and a condition is recommended for further details of this to be provided for prior approval, in accordance with policy 38 of the LPP2.

Conclusion

44. The proposals are not considered to constitute inappropriate development within the Green Belt. The proposed extensions to the Lodge harmonise with the design, scale, proportions and materials of the existing building. The other proposed and retrospective engineering works are also considered to preserve the character and appearance of the site and surrounding landscape providing adequate compensation can be provided in the form of replacement planting and landscaping. The proposal therefore complies with the relevant planning policies and is recommended for approval.
45. The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary, resulting in a 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 following plans:

1:5000 Location Plan, reference PH/251/20, dated as received 19 October 2020

Proposed Site Location Plan, drawing number MHRG-EI-2020-02

Proposed Entrance Plan, drawing number MHRG-EI-2020-04-R1

Proposed Alterations to Main Entrance Lodge, drawing number MHRG-EI-2020-05

[For the avoidance of doubt and to comply with Policy 10 of the Core Strategy and Policy 1 of the Local Plan Part 2.]

3. Prior to the commencement of the development hereby approved a scheme, including a tree protection plan, for the protection of the retained trees on the site in accordance with BS 5837:2012 Trees in relation to design, demolition and construction, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the specification of a 'No-Dig' construction technique that will be employed within the Root Protection Areas of all retained trees. The development shall be carried out in accordance with the approved details and the protection shall be retained for the duration of the construction period.

[To ensure existing trees are adequately protected during the development, in the interests of visual amenity and to comply with Policies 1 (Development Requirements) and 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before work commences on site to ensure that appropriate protection is provided and retained during the construction works].

4. Prior to any part of the development being brought into use a detailed landscaping and ecological enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should specify the details of replacement tree planting along the new track and native shrub and/or hedgerow planting around the entrance to the site and shall include numbers, size, species and positions of all new trees and shrubs and a programme of implementation. The scheme shall also comprise features required for wildlife and biodiversity enhancement, to include wildlife friendly planting and the installation of new bat and bird boxes.

The approved scheme shall be carried out in accordance with the approved details and programme of implementation. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

[In order to preserve the landscape character of the area and achieve a net gain in biodiversity, in accordance with Policy 10 (Design and Enhancing Local

Identity) of the Local Plan Part 1 : Core Strategy and Policy 1 (Development Requirements) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

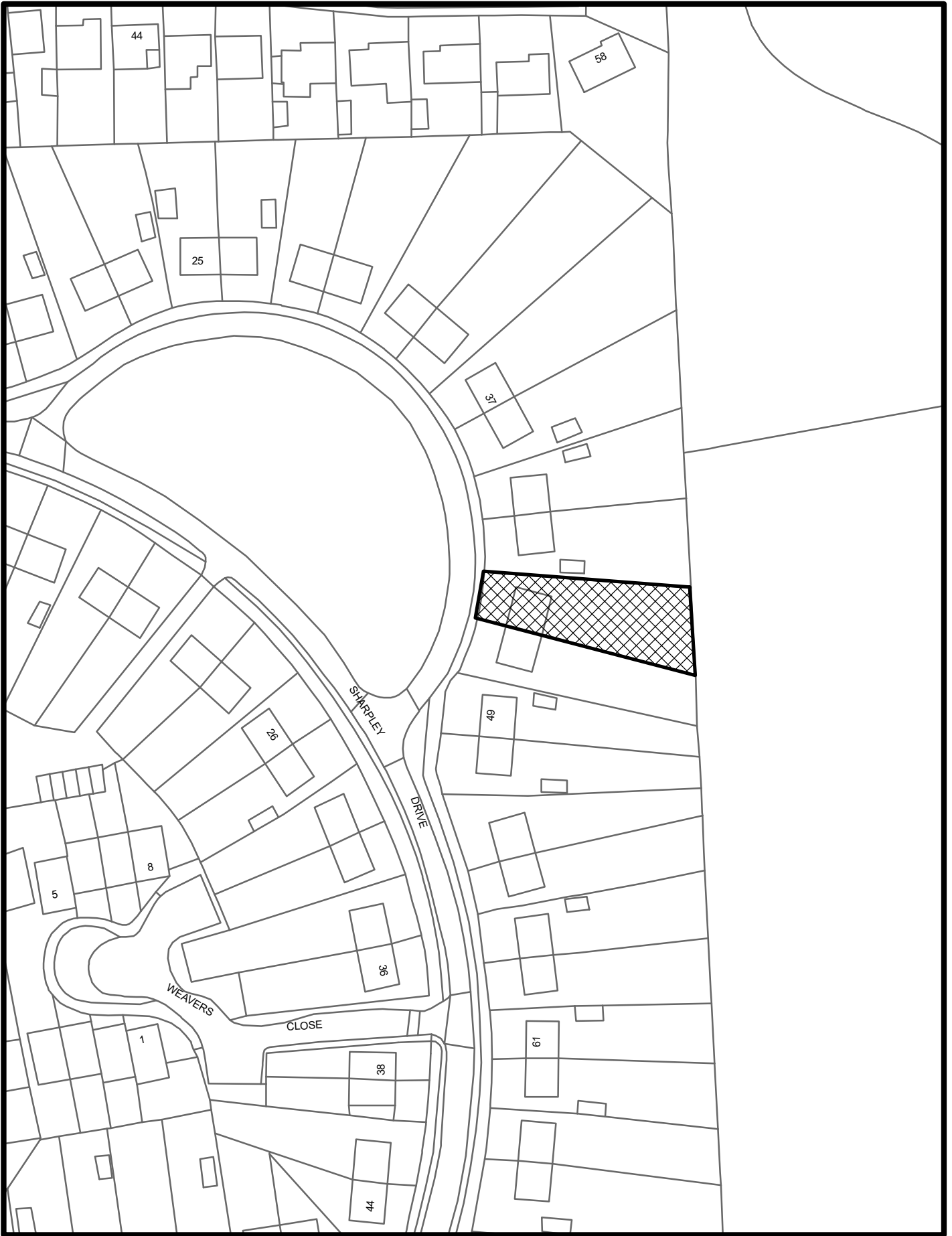
5. The external materials used in the construction of the extensions to the building hereby permitted shall be of a similar appearance to the materials used on the exterior of the existing building.

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

Notes to Applicant

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is not CIL chargeable, as the proposal represents minor development, with a gross internal area of less than 100 square metres. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

Nesting birds and bats, their roosts and their access to these roosts are protected under the Wildlife and Countryside Act 1981. Should birds be nesting in the trees concerned it is recommended that felling/surgery should be carried out between September and January for further advice contact Nottinghamshire Wildlife Trust on 0115 958 8242 or by email at info@nottswt.co.uk. If bats are present you should contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk.



20/02788/FUL
45 Sharpley Drive, East Leake



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20/02788/FUL

Applicant Mr John Mayhew

Location 45 Sharpley Drive, East Leake, Nottinghamshire, LE12 6QT

Proposal Erection of two-storey side & rear extension. (Resubmission)

Ward Leake

THE SITE AND SURROUNDINGS

1. The application relates to a mid-circa 20th century, three bedroom semi-detached property located in the village of East Leake. The dwelling forms the northerly half of a pair of properties which form a series of dwellings located around a semi-circular section of road. Properties within a recently built, large housing development lie to the rear.

DETAILS OF THE PROPOSAL

2. Planning permission is sought for a two-storey extension to the northern (side) elevation and a part two storey/part single storey extension to the rear elevation of the property to provide a garage, larger kitchen and study on the ground floor and 2 new bedrooms with en-suites on the first floor.
3. The side extension would measure 3.84 metres wide, replacing a small, flat roofed, single storey element currently attached to the dwelling. The rear extension would project back by 4 metres and would span across the width of the existing property and part of the proposed side extension. The two storey section would have an intersecting pitched roof at the same height as the existing roof. A 2.3 metre wide section on the boundary with the adjoining property would be single storey.

SITE HISTORY

4. 20/00976/FUL - Erection of two-storey side & rear extension. Withdrawn 06 July 2020.

REPRESENTATIONS

Ward Councillor

5. A Ward Councillor (Cllr C Thomas) objects to the proposal, stating; *"This is still a very large extension relative to the size of the existing house, which is one of a semidetached pair. The proposed extension would not be sympathetic to neighbouring buildings and the surrounding area in terms of scale, density, massing and design and so contravenes LPP2 Policy 1 point 4. Other houses*

in the area have not been extended so there would be an adverse impact on the character of the street scene.

6. *I have concerns about the impact on the attached neighbour in terms of overlooking and overwhelming, and so loss of amenity. Loss of trees would be regrettable if approved I would request a condition to plant replacements elsewhere on the plot.”*

Town/Parish Council

7. East Leake Parish Council objects to the application on grounds it is over intensive, loss of a tree where the garage is planned, impact on the neighbour attached, loss of amenity.

Local Residents and the General Public

8. 7 neighbouring properties have been individually notified and the application has been advertised by notices at the site. No public representations have been received.

PLANNING POLICY

9. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2). The East Leake Neighbourhood Plan also forms part of the Development Plan when dealing with applications in the East Leake area. Other material considerations include the National Planning Policy Framework (2019), the National Planning Practice Guidance and Supplementary Planning Documents (SPD's).

Relevant National Planning Policies and Guidance

10. The relevant national policy considerations for this proposal are those contained within the 2019 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. Section 12 - Achieving well-designed places is relevant to this application.

Relevant Local Planning Policies and Guidance

11. The following policies of the Rushcliffe Local Plan Part 1: Core Strategy (2014) are considered relevant to this application:
 - Policy 1 - Presumption in Favour of Sustainable Development
 - Policy 10 - Design and Enhancing Local Identity
12. The following policies of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) are considered relevant to this application:
 - Policy 1 - Development Requirements.

13. The Rushcliffe Residential Design Guide SPD (2009) provides guidance on the style and design of an extension, stating it 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.
14. The East Leake Neighbourhood Plan was adopted on 19 November 2015. This contains general design guidance for the village but does not contain any policies directly relating to residential extensions.

APPRAISAL

15. Planning permission is sought for extensions to an established residential property within an urban area. It is a sustainable form of development and acceptable in principle.
16. The main issues to consider are:
 - (i) The impact of the proposal on the character and appearance of the property and wider area.
 - (ii) The impact on the residential amenity of neighbouring properties.

Impact on the character and appearance of the property and wider area

17. LPP1 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 valued local characteristics. This is reinforced under policy 1 of the LPP2, which also states that development should be sympathetic to the character and appearance of neighbouring buildings and the surrounding area.
18. The application proposes two storey extensions to both the side and the rear elevations of the existing dwelling, and it is acknowledged that the combined proposals would represent a significant increase in the size of the property. The front corner of the side extension would lie almost on the boundary of the site with the neighbouring property to the north (No. 43), although as the rear elevation is angled to the south east, and away from the boundary, the distance becomes greater towards the rear.
19. The Residential Design Guide SPD sets out the following principles in relation to the design of side extensions:
 - The extension should be set back from the front wall, especially at first floor level, by as much as two metres.
 - The ridge height should be lower than, but match the pitch, of the roof on the existing dwelling.
 - The building should be set in from the boundary by at least 0.9 metres.

21. The proposed extension complies with this criterion in part. The extension has been designed with a slight set back from the front elevation. This corresponds with a slightly lower roof height and should help to ensure that the extension appears as a subservient addition to the property when viewed from the public highway.
22. The front corner of the proposed extension would lie on the boundary. The Residential Design Guide SPD states that where side extensions infill spaces the design should ensure that it does not result in a 'terracing effect' between properties. The set back and lower ridge height is set out within the SPD as a method to minimise any terracing effect. The design would therefore comply with this guidance. As the neighbouring property to the north lies around 5 metres away, no terracing effect would be apparent. Should this neighbouring property also choose to extend to the side in the future it is also noted that the arrangement of the properties around the semi-circular shape of the road means they do not lie directly side by side, which should also mitigate any potential terracing effect.
23. The rear extension has a straight forward design with an intersecting pitched roof. On the boundary with the adjoining property part of the extension would be single storey with a lean-to roof. It would not be a particularly subservient addition to the property, but it should not be visible from the public realm and the design in itself should not have any negative impact on the appearance of the rear elevation of the property. The property has a large rear garden around 25 metres long and, therefore, would retain adequate amenity space. It is considered that the site can accommodate an extension of the proposed size without appearing cramped or over developed.
24. The application form indicates that the extensions would be constructed from brick and roof tiles, however, the existing property is rendered with timber or composite cladding to the upper half, materials which are common to most of the properties along the road. As no further details have been provided within the application a condition is recommended to require submission of details of the proposed facing materials for prior approval.
25. Cllr Thomas and the Parish Council have highlighted the loss of a tree to the side of the property. The Applicant has confirmed that this was an Elderberry tree. It had already been removed at the date of the site visit but had not been subject to a Tree Preservation Order or any other protection. It would not be practical to plant any replacement tree in the front of the property due to a lack of space. At the rear a replacement tree would not be visible from the public realm and would, therefore, make negligible contribution to the visual amenity of the area. It is therefore not considered that it would be reasonable to insist on replacement tree planting in this case.
26. An additional bedroom would be created as a result of the proposal. The property would therefore be a four bedroom dwelling. However, the garage within the proposed extension would be of a width and size which would count as a parking space under the Nottinghamshire County Council '6Cs Design Guide'. There would therefore be a net gain in available off-street parking for

the property. Street parking is also available outside the property and therefore the level of provision is considered acceptable for the size of the resulting dwelling.

27. It is therefore considered that the proposal accords with the aims of policy 10 of LPP1 and policy 1 of the LPP2 in terms of scale, design and materials.

The impact on the residential amenity of neighbouring properties

28. LPP1 policy 10 states that development should be assessed in terms of its impact on the amenity of nearby residents. This is reinforced under policy 1 of the LPP2, which states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties.
29. The rear extension would project back four metres, although for a width of 2.3 metres it would be single storey on the boundary with the adjoining (attached) dwelling. The Residential Design Guide sets out how the principle of the '45 degree code' can be used to ascertain whether a proposed extension on or close to the boundary will over dominate neighbouring properties and potentially result in an unacceptable loss of light. In this case, the two storey section would meet this test and indicate that this element of the proposal would not unduly compromise the light and outlook of the adjoining property.
30. Due to the depth of the extension and proximity to the boundary, the single storey section would fail this 45 degree test. However, the Residential Design Guide indicates that this test is generally applicable to 2 storey extensions or higher or if there are significant changes in level. Furthermore, it is noted that there is already a 2 metre high fence along the boundary between the properties. At 2.3 metres the eaves height would not be significantly greater than this and the lean-to roof would slope away from the neighbouring property. In addition, as the neighbouring property lies to the south of the application dwelling this should also reduce the impact on light. It is considered that these factors mitigate the impact on this dwelling to an acceptable extent.
31. The separation distance between the application property and the neighbouring property to the north means that the rear extension would comply with the 45 degree test. The two storey side extension would not project beyond the front or rear elevations of this neighbouring dwelling and, therefore, should have little material impact on its amenity. The property has a first floor side window which may experience some overshadowing but if the layout is the same as the application site dwelling this window purely serves the stairs.
32. No windows are indicated for the side elevations of the proposed extensions and the new first floor rear window would not result in any additional overlooking above that already in existence. Due to the length of the rear garden the proposed extension would not affect any properties backing onto the site.
33. The proposal is therefore deemed to accord with LPP1 policy 10 and policy 1 of the LPP2 in terms of its impact on the residential amenity of neighbouring occupiers.

Conclusion

34. The proposed extensions to the building are considered to be acceptable in terms of scale and design and would not result in a significant adverse effect on the amenity of any existing neighbouring residential occupiers. The proposal therefore complies with the relevant planning policies and is recommended for approval.
35. The application was not subject to pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary.

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 following approved plans:

Site Location Plan & Block Plan, drawing no. 051
Proposed Block Plan
Proposed Floor Plans, drawing no. 032
Proposed Elevations, drawing no. 041
Proposed Elevations, drawing no. 042
Proposed Roof Layout, drawing no. 043

[For the avoidance of doubt having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

3. The construction of the extensions shall not proceed above foundation level until specific details of the facing and roofing materials to be used on all external elevations are submitted to and approved in writing by the Local Planning Authority. 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 policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

Notes to Applicant

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is not CIL chargeable, as the proposal represents minor development, with a gross internal area of less than 100 square metres. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

You are advised to ensure disturbance to neighbours is kept to a minimum during construction 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.

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.

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

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20/02687/FUL
31 Roulstone Crescent, East Leake



scale 1:1000

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20/02687/FUL

Applicant Mr and Mrs Roberts

Location 31 Roulstone Crescent, East Leake, Nottinghamshire, LE12 6JL

Proposal Two storey front and rear and single storey side and rear extensions with application of rendering. (Resubmission)

Ward Leake

THE SITE AND SURROUNDINGS

1. The application relates to a detached, two-storey dwelling located on a residential cul-de-sac in the village of East Leake. The property is faced in buff brick and hanging tiles with a tiled roof. A lean-to carport is located to the western side of the dwelling house, filling the gap between the main dwelling and the boundary of the site. The property benefits from a relatively large linear rear garden bounded by 2 metre high fencing. Pedestrian and vehicular access is gained directly off Roulstone Crescent.

DETAILS OF THE PROPOSAL

2. Planning permission is sought for the following extensions and alterations to the dwelling:
 - a. A two-storey front extension to provide a new porch on the ground floor and extension to an existing bedroom on the first floor. The extension would project out by 1.2 metres from the front building line and would be 2.8 metres wide under a hipped roof.
 - b. A two storey rear extension to provide a new kitchen and dining room on the ground floor and two new bedrooms on the first floor. The extension would project back by 3 metres and run the full width of the dwelling. The existing hipped roof would be extended at the same height.
 - c. A single storey side and rear extension. The extension would replace the existing car port and project out from the western side elevation by 2.4 metres for the full length of the dwelling, extending up to the western boundary of the site and wrapping around the rear of the new two storey rear extension where it would extend back for a further 1.3 metres. A new garage/store would be provided as part of the side extension.
 - d. The rendering of the entire property in a light grey coloured render.
3. The application plans also indicate the replacement of existing windows in the property, including the installation of new obscure glazed windows in the first floor side elevations.

4. Amended plans were received during the course of the application to indicate a rooflight originally missing off the elevations and to clarify the proposed facing materials.

SITE HISTORY

5. 20/00605/FUL - Two storey and single storey side and rear extensions. Relocation of existing car port. Refused 17 July 2020 (for reasons for refusal - see para 26).

REPRESENTATIONS

Ward Councillors

6. One Ward Councillor (Cllr L Way) has declared an interest in the application.
7. One Ward Councillor (Cllr C Thomas) objects to the proposal. The following comments were made in relation to the initial plans; *“With the information available at this time I am returning a neutral comment and I am content for this to be a delegated decision. (There are no comments from neighbours at this time).*
8. *I note that the second storey rear extension has been reduced to 3m in this version, which would be allowed under permitted development rights. The side extension is one storey in this version so more acceptable than two as far as the street scene is concerned, although maintenance of both properties along this boundary will become problematic. It is difficult to see how this wall can be rendered as shown in the plans.*
9. *The front extension and loss of the recess to the smaller front second floor window will have some impact on the street scene as this is characterful feature of houses in this area. But there is some variety with other front extensions and alterations having taken place.*
10. *I would suggest a condition to ensure obscured windows to the bathrooms on both sides. Clarification is needed about the roof light in the garage which shows on the plan but not the elevation.”*
11. In response to the amended plans submitted Cllr Thomas commented as follows; *“With the further information to hand and neighbour comments about the multiple impacts, I now object to this application.*
12. *The combination of grey render finish and the two storey front extension will be out of character and have a significant adverse impact on the street scene.*
13. *Considerable concerns have been expressed by neighbours about overshadowing, loss of light and sunlight at the rear. The difference in levels needs to be taken into account. With an extension that so greatly exceeds what would be allowed by permitted development rights I would expect consideration*

of the application to be informed by a report on this issue with detailed analysis using the 45 degree rule etc.

14. *If approved I request a condition that side windows are obscured and fixed shut with no changes to the side windows or any additional side windows being allowed without further permission. I would also request an advisory note that the party wall act may apply to the boundary with no 29."*

Town/Parish Council

15. East Leake Parish Council raised no objections to the original plans submitted. In response to the amended plans the Council advised it would like to remain neutral on this resubmission but commented that there was uncertainty of the depth of the porch and there would be preference for cream rendering.

Local Residents and the General Public

16. 7 neighbouring properties have been individually notified. 8 public representations have been received. In summary the following points are made:
 - a. The double storey front extension would impact on the overall street scene especially as no other houses on Roulstone Crescent have such double storey front extensions. It would disrupt the front building line and negatively impact on the appearance of the street.
 - b. Calculations and floorplans have been provided by one respondent which indicates a 99.4% increase in the floor area. It is questioned why the number of bathrooms and such a large property is required.
 - c. The rear extension is excessive in scale, density and massing and the design does not sympathise with the neighbouring buildings nor compliment the surrounding area. There are no other two storey rear extensions on Roulstone Crescent and the proposal could potentially open up a gateway for similar proposals. The extension will have an overbearing effect on neighbouring properties.
 - d. The single storey side extension will cause a terracing effect, change the character of the street and impinge on immediate neighbours given the narrow width of the plots.
 - e. The extensions will result in a 'tunnel effect' and reduce light to neighbouring rear properties and gardens, which are north facing.
 - f. The new windows indicated will face neighbouring properties and compromise privacy. Even with obscure glass the new side windows will directly look onto neighbouring properties and infringe their privacy.
 - g. Concerns are raised regarding the maintenance of properties and fences due to the small gap between the extension and neighbouring dwellings. It is queried where the waste pipe from the en-suite would be. It is

considered that the proposals would result in issues with gutter, fascia and soffit maintenance as well as access to neighbouring properties.

- h. The size of the windows has been reduced. Wide windows is one of the distinct characteristics of the houses in the road and this change will alter the character of the property and mean it is no longer be in keeping with the other houses in the street.
- i. The 'car port' has now become an integral part of the side extension adding to the total enclosed build area.
- j. The eastern boundary new fencing in the rear garden will need to be removed as the gap to the proposed rear extension would be too small.
- k. It is proposed that the building is to be rendered and finished in grey paint rather than retaining the brick finish, thereby completely altering its appearance and making it even more out of keeping with its neighbours. The house would be unsympathetic to the character and appearance of street scene and neighbouring properties.

PLANNING POLICY

- 17. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2). The East Leake Neighbourhood Plan also forms part of the Development Plan when dealing with applications in the East Leake area. Other material considerations include the National Planning Policy Framework (2019), the National Planning Practice Guidance and Supplementary Planning Documents (SPD's).

Relevant National Planning Policies and Guidance

- 18. The relevant national policy considerations for this proposal are those contained within the 2019 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 following sections of the NPPF are relevant to this application.
 - Section 12 - Achieving well-designed places.

Relevant Local Planning Policies and Guidance

- 19. The following policies of the Rushcliffe Local Plan Part 1: Core Strategy (2014) are considered relevant to this application:
 - Policy 1 – Presumption in Favour of Sustainable Development
 - Policy 10 - Design and Enhancing Local Identity
- 20. The following policies of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) are considered relevant to this application:

- Policy 1 - Development Requirements.

21. The Rushcliffe Residential Design Guide SPD (2009) provides guidance on the style and design of an extension, stating it 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.
22. The East Leake Neighbourhood Plan was adopted on 19 November 2015. This contains general design guidance for the village but does not contain any policies directly relating to residential extensions.

APPRAISAL

23. Planning permission is sought for extension to an established residential property within an urban area. It is considered to be a sustainable form of development and acceptable in principle.
24. The main issues to consider are:
 - (i) The impact of the proposal on the character and appearance of the property and wider area.
 - (ii) The impact on the residential amenity of neighbouring properties.

The impact of the proposal on the character and appearance of the property and wider area.

25. The application is a re-submission of a previously refused application in July 2020. The previous application was refused for the following reason:
26. "The proposed extension, by reason its siting and design, would be out-of-keeping and unsympathetic to the character and appearance of streetscene, which is characterised by properties with spacious gaps between them at upper storey. Furthermore, the proposed extension, in particular the two-storey side element, would appear cramped and would erode the gap between the host property and the property to the west, creating an unacceptable terracing effect. The proposal is therefore contrary to Policy 10 of the Core Strategy, Policy 1 of the Local Plan Part, section 12 of the NPPF and advice contained within the Rushcliffe Residential Design Guide."
27. The extension now proposed under this application omits the two storey section of the side extension which was proposed under the previous application. Instead a two storey front extension is proposed to provide the additional space to one of the bedrooms. The proposed two storey rear extension is as previously proposed and a single storey extension will now run along the western (side) elevation and wrap around the rear of the dwelling and the rear extension.

28. It is acknowledged that the combined extensions represent a significant increase in the size of the property. However, notwithstanding this, it is considered that under this revised scheme the extensions integrate well with the existing property and should result in a balanced and well-designed dwelling.
29. The proposed front extension is a fairly small addition with the hipped roof significantly lower than the main roofline. The Residential Design Guide SPD states that front extensions should complement the existing street character in terms of building lines and presence. It is noted that many of the respondents on the application feel that the front extension would be detrimental to the appearance of the property and its setting in the street scene. However, it is not agreed that this would be the case. Whilst two storey front extensions may not have been made to any other property within close proximity, many have added porches and other front extensions. It is considered that the design of this front extension should generally harmonise well with the existing property and should not unduly harm the appearance of the property or its setting in the street scene.
30. The proposed side extension would replace the existing car port and would run up to the western (side) boundary of the site. However, this would now be entirely single storey and therefore the cramped terracing impact, which was of concern in the previous scheme, has been largely mitigated. It is noted that concerns are raised within representations that this element would still give rise to a terracing effect, however, given the presence of the existing car port it is considered that this element of the proposed extension would not significantly impact on the appearance of the property. Similar extensions can be seen on other neighbouring properties and it is not considered that there would be any grounds to refuse permission on the basis of this element of the application.
31. The two storey rear extension would simply extend out the rear elevation in the same lines and proportions, including the hipped roof. Although not particularly subservient in appearance it would not be visible from the public realm. A garage previously within the rear garden of the site has been removed and a 14 metre long rear garden would be retained, providing adequate amenity space.
32. The existing property and the proposed extensions are to be rendered in a light grey colour and tiled to match the existing property. The side wall of the car port would be replaced with a brick cavity wall. It is acknowledged that the rendering of the property would alter its appearance, however, the existing property and neighbouring properties along the road are partially rendered on the front elevations and therefore this material would not be entirely out of keeping with the street scene. Nonetheless it is considered that the proposed colour should be carefully considered and a condition to this effect is recommended. Overall, and on balance, it is not considered that the proposals for the host property would be detrimental to the visual amenity of the area.
33. The property would become a four bedroom dwelling, gaining one additional bedroom. However, the entire frontage of the property has been hard surfaced

to provide parking for at least three vehicles. This would be adequate for the resulting size of the dwelling.

34. Concerns are raised within the representations that alterations to existing windows would also be detrimental to the character and appearance of the property and upset the uniformity of the street scene. It is important to note, however, that these works could be carried out without planning permission. It is agreed that the existing wide windows are a feature of the properties along Roulstone Crescent and that the cumulative works proposed for the application site property will result in a conspicuously different property, however, it is not considered that this in itself would result in a level of harm to visual amenity which would be contrary to the aims of LPP1 Policy 10, policy 1 of the LPP2 and advice contained within the Rushcliffe Residential Design Guide.

The impact on the residential amenity of neighbouring properties.

35. LPP1 policy 10 states that development should be assessed in terms of its impact on the amenity of nearby residents. This is reinforced under policy 1 of the LPP2, which states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties.
36. The application property and the neighbouring dwellings are tightly spaced, the eastern side elevations lying on the respective boundaries. The proposed extensions under this application would extend the property to the full width of the plot, although it is confirmed that the additions would all be on land owned by the Applicant and details have been provided to indicate a recessed gutter system to prevent this element from overhanging the boundary.
37. The Residential Design Guide sets out how the principle of the '45 degree code' can be used to ascertain whether a proposed extension on or close to the boundary would potentially over dominate neighbouring properties and result in an unacceptable loss of light.
38. The front extension will be on the western half of the dwelling and separated from the neighbouring property on this side (no. 29) by the width of the driveway. This separation distance is sufficient to ensure compliance with the 45 degree principle.
39. Likewise, the proposed rear extension would be separated from the neighbouring property to the east (no 33) by the driveway of this property. This dwelling lies at a slightly higher ground level and has had a single storey rear extension. The separation distance ensures that the 45 degree principal is met in respect of both the single and two storey sections.
40. The proposed single storey side extension would run along the boundary with the neighbouring property to the west (no. 29). As this property also abuts the boundary there would in effect be no gap between the dwellings at ground floor level. It was queried how this side elevation would be rendered and it has been confirmed on amended plans that the render would be applied a minimum

600mm around each corner but the remaining finish would be brick, which can be constructed with mortar pointed up as each course is built.

41. It is acknowledged that this property lies at a lower ground level but it is also recognised that the proposed single storey side and rear extensions would not project back beyond a single storey conservatory extension which has been added to the rear elevation of this neighbouring dwelling and lies on the boundary of the application site. It is therefore not considered that the difference in ground levels would exacerbate the impact of the proposed extensions to any significant extent.
42. It is recognised that the owners of the neighbouring properties have raised concerns that the rear gardens face north and are likely to experience a loss of light. However, the proposal demonstrates compliance with the 45 degree principle. Due to the rear extensions made to neighbouring dwellings and the separation distances between the two storey rear extension and neighbouring dwellings, it is considered that in practice the scale of the proposed additions should not result in a significant adverse effect on the light and outlook of the neighbouring properties.
43. New first floor windows are indicated for both side elevations. Both would serve bathrooms and the plans indicate that both would be obscure glazed. This requirement is reinforced with a condition which forms part of the recommendation. It is noted that some concerns have been raised that these new windows would infringe the privacy of neighbouring properties, however, in the proposed form they could be installed without planning permission and it is considered that the obscure glazing and top opening windows would prevent any undue infringement of privacy.
44. A high level ground floor window and roof lights are also proposed for the side elevations although, due to their height, they would not result in any undue overlooking. It is also confirmed that the sun pipe is indicated on the western elevation roofslope.
45. The application backs onto the rear garden of no. 9 Rushcliffe Grove, although the rear elevation of the dwelling on this site faces south east and not directly towards the application site. The resultant length of the rear garden, taking into account the proposed extension, is considered sufficient to prevent any undue impact on the amenity of this property.
46. Concerns have been raised regarding maintenance, plus lack of access to the neighbouring dwelling to the west, No. 29. Whilst these concerns are acknowledged, it would not be reasonable to withhold planning permission on this basis, these matters are more likely to be controlled under the Party Wall Act. The proposal would be located wholly within the property boundary and would not encroach on neighbouring properties. The proposed single storey extension would be no closer to the shared boundary than the single storey lean-to and conservatory belonging to No. 29.

47. In terms of the issues raised in respect of drainage and the location/appearance of drainage infrastructure, these are private/civil matters and are not material planning considerations.
48. The proposal is deemed to accord with LPP1 policy 10 and policy 1 of the LPP2 in terms of its impact on the residential amenity of neighbouring occupiers.

Conclusion

49. It is considered that, under the revised scheme the proposed extensions are acceptable in terms of design, scale, proportions and materials and would not result in a significant adverse effect on the amenity of any neighbouring properties to the site. The proposal therefore complies with the relevant planning policies and is recommended for approval.
50. The application was not subject to pre-application discussions, however, clarification on certain details during the course of the application has resulted in a scheme which is considered acceptable and no further negotiations with the applicant or agent were considered necessary.

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 following approved plans:

Site Location Plan

Block Plan

Planning & BR, drawing number JLR 01/2020, revision G2

[For the avoidance of doubt having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

3. The external materials used in the construction of the development hereby permitted shall be as detailed on the approved plans. The roofing materials shall match the existing roof tiles of the building in colour and texture. Prior to application of the render details of the proposed colour shall be submitted to and approved in writing by the Borough Council. The render shall be applied in accordance with the approved details

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

4. The first floor windows in the side elevations of the development hereby permitted must be:
 - a. non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and;
 - b. fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent.

Thereafter, these windows shall be retained to this specification throughout the life of the development.

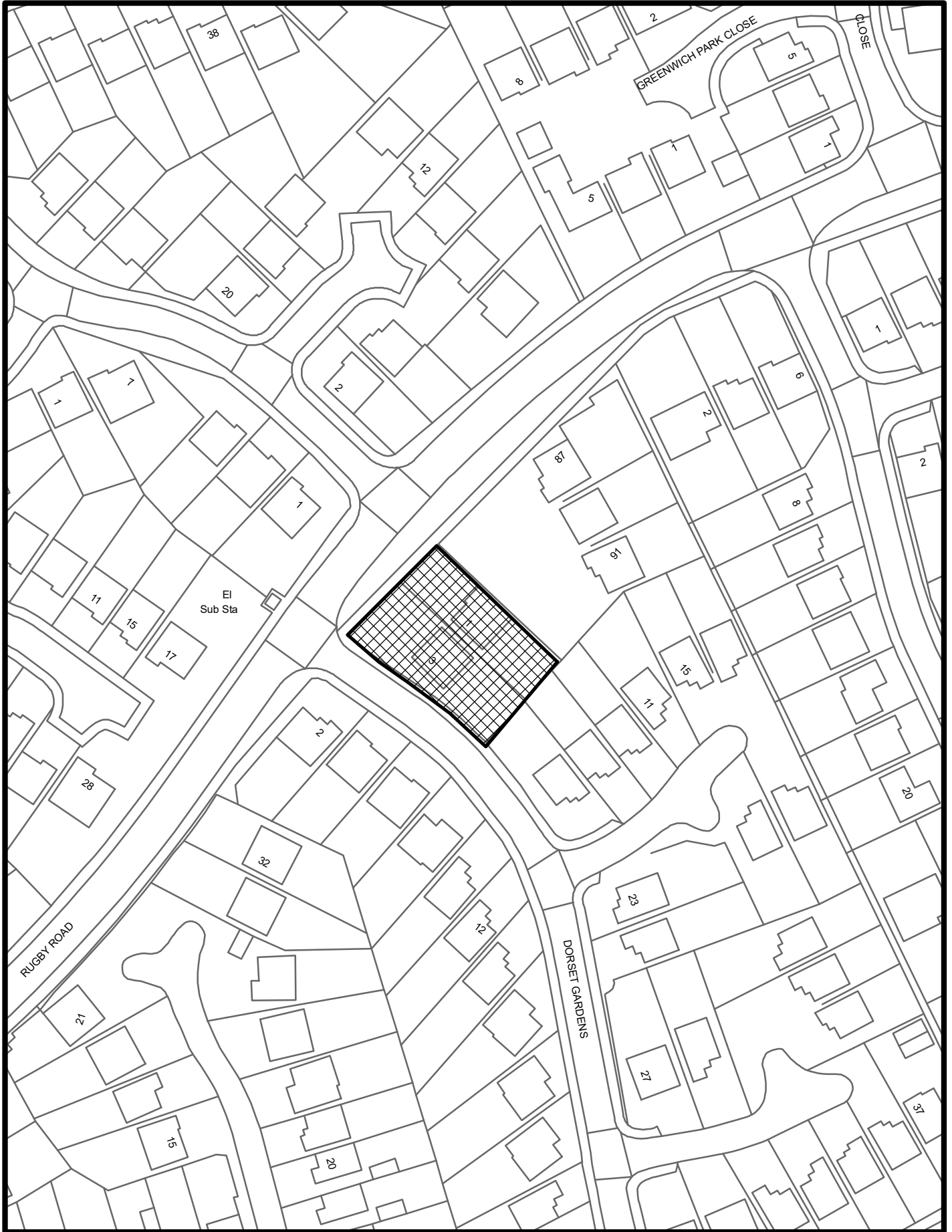
[To ensure a satisfactory development in the interests of preserving the amenities of neighbouring properties and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies.]

Notes to Applicant

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is not CIL chargeable, as the proposal represents minor development, with a gross internal area of less than 100 square metres. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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.

You are advised to ensure disturbance to neighbours is kept to a minimum during construction 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.



20/02715/FUL

1 & 3 Dorset Gardens, West Bridgford



scale 1:1000

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20/02715/FUL

Applicant Dr David Levy

Location 1 Dorset Gardens, West Bridgford, Nottinghamshire, NG2 7UH

Proposal Erection of new boundary brick wall and piers to the front of nos. 1 and 3 Dorset Gardens (Retrospective) (Resubmission).

Ward Compton Acres

THE SITE AND SURROUNDINGS

1. The application relates to two neighbouring detached properties (no. 1 and 3 Dorset Gardens) on a residential estate road in the Compton Acres area of West Bridgford. The southernmost property, no 3, lies on a corner plot on the junction of Dorset Gardens and Rugby Road.

DETAILS OF THE PROPOSAL

2. Retrospective planning permission is sought for the erection of a brick wall along the front boundary of no. 1 and 3 Dorset Gardens. The wall runs for a distance of approximately 20 metres along the Rugby Road frontage of the properties and is 1.1 metres high with intermittent brick piers of 1.32 metres high. A lower, 0.6 metre high, section of wall lies at the southern end to allow sufficient visibility into the entrance of the shared driveway of the two properties, which lies off Dorset Gardens.

SITE HISTORY

3. 20/01252/FUL - Erection of new boundary brick wall and piers to the front of nos. 1 and 3 Dorset Gardens (retrospective). Application withdrawn 31 July 2020.
4. 91/00055/A4P - Substitution of house types Plots 211,213, 215-219, 222. Approved 18 February 1991.
5. 90/00760/A4P - Construct 62 houses (Revised Proposal). Approved 25 September 1990.
6. 88/00756/A4P - Erection of 108 detached houses (Reserved Matters). Approved 27 October 1988.
7. 81/00328/CENTRA - Residential development with local shopping centre, primary school and open space (outline). Approved 11 September 1981.

REPRESENTATIONS

Ward Councillors

8. One Ward Councillor (Cllr A Phillips) objects and makes the following comments; *“My views on this resubmission application have not changed. It is disappointing that the applicant decided to build the wall without submitting a planning application until after the wall had been built. If they had I’m sure the planning officers would have been able to explain that the wall is not acceptable. It is not in keeping with the street scene or with the open areas around Compton Acres which are characteristics of the estate. This application should not be allowed just because it is a retrospective application or the fact that Highways don’t have a problem with it. For the reasons already mentioned above this wall should never have been built and should be totally removed and the area returned to its former open area which are common characteristics of Compton Acres, and in keeping with the street scene. If it is allowed it sets a precedent for others to build without consent too. I object to this application but as always I am happy to discuss with the case officer.”*
9. One Ward Councillor (Cllr G Wheeler) objects and makes the following comments; *“I have discussed this resubmission with Cllr Phillips. Suffice to say I entirely agree with his comments. The open aspect must be preserved. The boundary brick wall is not in keeping with the street scene.”*

Town/Parish Council

10. The site is within an unparished area.

Statutory and Other Consultees

11. Nottinghamshire County Council as Highways Authority has advised that there are no objections to the application.

Local Residents and the General Public

12. 13 neighbouring properties have been individually notified. One public representation has been received. In summary the following comments are made:
 - a. Compton Acres is an 'open plan' estate and there should be no walls or fences on the front gardens. If retrospective planning permission is given to this application, then it paves the way for many other front gardens to be hidden behind walls and fences losing the openness of the estate.
 - b. The wall has added a very hard feature to the view of Rugby Road and it affects the street scene. It looks brutal compared to the soft shrubs, trees and grass that were removed.
 - c. Visibility for drivers has been greatly reduced compromising the safety of the many school children that walk and cycle in the area.

PLANNING POLICY

13. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the National Planning Policy Framework (2019), the National Planning Practice Guidance and Supplementary Planning Documents (SPD's).

Relevant National Planning Policies and Guidance

14. The relevant national policy considerations for this proposal are those contained within the 2019 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 following sections of the NPPF are relevant to this application.
 - Section 12 - Achieving well-designed places.

Relevant Local Planning Policies and Guidance

15. The following policies of the Rushcliffe Local Plan Part 1: Core Strategy (2014) are considered relevant to this application:
 - Policy 1 - Presumption in Favour of Sustainable Development
 - Policy 10 - Design and Enhancing Local Identity
16. The following policies of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) are considered relevant to this application:
 - Policy 1 - Development Requirements.
17. The Rushcliffe Residential Design Guide SPD (2009) provides general guidance on the layout, form and design of development.

APPRAISAL

18. Retrospective planning permission is sought for a front boundary wall which has been erected across the neighbouring properties at no. 1 and 3 Dorset Gardens, two detached residential properties served by a shared driveway on a relatively modern residential estate.
19. It is noted that the height of the wall at the entrance to the driveway from Dorset Gardens is 0.6 metres high for a distance of 1.1 metres, in order to provide sufficient visibility for drivers exiting the site and avoid any undue hazard to pedestrians. This is in line with Nottinghamshire County Council '6Cs Design Guide' and, as a result, there are no objections to the proposal from County Council Highway Officers. The main issue in relation to the application is, therefore, the impact of the wall on the character and appearance of the area.

20. LPP1 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 valued local characteristics. This is reinforced under policy 1 of the LPP2, which also states that development should be sympathetic to the surrounding area.
21. In this case it is noted that the estate was originally designed as an 'open plan' estate. To ensure this aspect was subject to controls for the future, a condition was placed on the original permission for the overall development (90/00760/A4P) which states; "*No additional fences, walls, hedges or other means of enclosure shall be erected or planted which projects beyond the wall of any dwelling houses which front on to a highway, footpath or access drive, other than those approved layout without the prior approval of the Borough Council*".
22. The above condition does not necessarily preclude the enclosure of open areas forward of a dwelling, however, it provides control over such development so that each case can be considered on its individual merits. The applicant has advised that originally it was proposed only to replace the driveway, however, it became apparent during these works that the roots of the trees and shrubs on the boundary would also have impacted upon the new tarmac. A new boundary was therefore required.
23. Historic photos indicate that there was previously a landscaped strip with some hedging, trees and shrubs running along the front of the two properties and separating them from the pavement. It can be argued that the construction of the front boundary wall undoubtedly presents a harsher boundary treatment and runs against the principles of the original permission for the estate. The views of the local Ward Member are therefore acknowledged in this respect. However, it is also considered in this case that the frontage of the properties still retains an open aspect, due to the large driveway area to the front. With the majority of the wall at 1.1 metres high, it is also relatively low in terms of height which mitigates the visual impact and sense of enclosure.
24. There are also a number of brick boundary walls in place around the estate. These appear to mainly form rear or side boundaries to properties, however, they nevertheless form the boundaries to the pavement. The wall as built has been constructed with brick which complements the main dwellings and appears to have generally been constructed to a high quality. It is therefore considered that as built the wall is not out of keeping with the surrounding area.
25. It is therefore considered that the impact on the visual amenity of the residential estate is not sufficiently detrimental to justify a refusal of retrospective planning permission or to justify enforcement action.
26. One of the Ward Councillors has suggested that; "*This application should not be allowed just because it is a retrospective application...*" and that if the applicant had submitted an application before building the wall; "*...I'm sure the planning officers would have been able to explain that the wall is not acceptable.*" The fact this application seeks permission retrospectively has no

bearing on the assessment of the proposal. The National Planning Practice Guidance makes it clear that a retrospective application should be considered in the normal way, i.e. as if the development had not already taken place. Furthermore, whilst the Borough Council does not condone this situation, the planning system should not be used punitively, i.e. permission should not be refused purely because the development has been undertaken without planning permission.

Conclusion

27. The front boundary wall is not considered to result in significant harm to the character and appearance of the application site and the surrounding residential estate. It is therefore considered that the proposal accords with the relevant planning policies and the application is recommended for approval.
28. The application was subject to pre-application discussions and the details submitted are considered to result in an acceptable proposal.

RECOMMENDATION

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

1. The development hereby permitted shall be retained in accordance with the following approved plans:

Site Location Plan, dated as received 5 November 2020
Block Plan, dated as received 6 November 2020
and the as built photographs submitted with the application.

[For the avoidance of doubt having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

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