

22/01041/FUL

Applicant Mr and Mrs Adam Foster

Location 13 Cherry Street Bingham Nottingham Nottinghamshire NG13 8AJ

Proposal Two storey rear extension. Conversion of carport to garage. New front porch. New rear dormer. New detached garden room/office; Alterations to fenestration

Ward Bingham East

Full details of the proposal can be found [here](#)

THE SITE AND SURROUNDINGS

1. The property is a modern two storey 'link-detached' dwelling of no special architectural or historic interest, constructed in a suburban late 20th century style and set back from the roadside with an open, gravelled front garden, standing on a large 'L' shaped plot with a large garden to the rear. The dwelling is well set back from the public highway by c.23m.
2. Due to the layout and orientation of the built form towards the southern end of Cherry Street, the application site's side (south) boundary forms the boundary with the rear gardens of neighbouring properties on Long Acre. The boundary is made up of a c.2m high close boarded fence, a c.2m high brick wall and c. 3m high shrub planting and runs for c.60m.
3. The application site is located within the Bingham Conservation Area.

DETAILS OF THE PROPOSAL

4. The current application seeks planning permission to convert the existing carport to a garage and to create a new front porch; replacement windows would be installed. To the rear, a two-storey extension and dormer would be constructed, while away from the dwelling a single storey garden building is proposed.
5. The proposed two-storey extension would replace an existing flat roofed single storey rear extension, it would have a ridge height of c.6.6m, an eaves height of c.4.5m a projection of c.4m, with a width of c.6.6m. Facing materials include brick and render to reflect the existing dwelling. The side (south) elevation of the two-storey rear extension would be a render.
6. The proposed garden building would be a minimum of c.0.8m from the nearest boundary (rear boundary of 15 Cherry Street. It would have a height of c.3m and would be c.4m x c.5m.

SITE HISTORY

7. There is no relevant site history

REPRESENTATIONS

The full text of representations and comments can be found [here](#)

8. Consultations were sent to Ward Councillors, the Parish Council, other statutory consultees and nearby neighbours to the application site on 31 May 2022 with responses requested by 23 June 2022. Consultations on revised plans were carried out on 20 July 2022 with responses requested by 30 July.
9. A site notice was displayed close to the site on 1 June 2022 with a response expiry date of June 2022.

Ward Councillor(s)

10. One Ward Councillor (Councillor Williams) objected to the application, stating, *“Objection due the overbearing nature of the extension, with potential loss of light for neighbouring properties”*

Town/Parish Council

11. Bingham Town Council object to the proposal, stating *“The Planning Committee considered the application at its meeting held on 14 June 2022 and objected to the plans due to the overbearing impact in a conservation area, particularly due to the size of the side wall proposed. There were also concerns raised over the loss of an amenity, as the Church Clock would no longer be visible from sections of Long Acre”*

Statutory and Other Consultees

Rushcliffe Borough Council

12. Conservation Officer - does not object, and concluded *“The proposal would not harm the special interest of the Listed Building by virtue of distance, intervening development and the lack of intervisibility between the properties. The identified view of the church spire to the proposal sites rear boundary would not be altered. Therefore, the special interest of the Conservation Area would be preserved. I consider the proposal would preserve the appearance of the property and therefore the Conservation Area. The proposal would not harm the special interest of the Conservation Area”*.

Local Residents and the General Public

13. Six neighbouring properties have objected to the proposals and these comments are summarised as follows:
 - Loss of a view of the Church.
 - Two storey extension unsightly in appearance
 - Negative affect on the conservation of the area
 - Loss of light
 - Devaluation of properties

- Overbearing impact
- Loss of privacy
- Possible covenant on the land to limit building
- Overall size of the garden room.

14. There has been one submission in support of the application stating that the proposed plans are suitable for the size of the plot and appropriate for a family home

The full text of the neighbour comments can be read [here](#)

PLANNING POLICY

15. 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 (NPPF) (2021), the National Planning Practice Guidance (the Guidance) and the Rushcliffe Residential Design Guide.

Relevant National Planning Policies and Guidance

16. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF.
17. The NPPF includes a presumption in favour of sustainable development. Local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Decision-makers at every level should seek to approve applications for sustainable development where possible.
18. Achieving sustainable development means that the planning system has three overarching objectives, an economic objective, a social objective and an environmental objective, which are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of the different objectives.
19. As such, the following sections in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
- Chapter 2 - Achieving Sustainable Development
 - Chapter 12 - Achieving Well Designed Places
 - Chapter 16 – Conserving & Enhancing the Historic Environment

A copy of the National Planning Policy Framework 2021 can be found [here](#)

Relevant Local Planning Policies and Guidance

20. The LPP1 sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the LPP1 are relevant:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 10 - Design and Enhancing Local Identity
- Policy 11 – The Historic Environment

A copy of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) can be found [here](#)

21. Under LPP2, the following relevant policies are pertinent to highlight in relation to the proposal:

- Policy 1 - Development Requirements
- Policy 17 - Managing Flood Risk
- Policy 28 (Conserving & Enhancing Heritage Assets)

A copy of The Local Plan Part 2: Land and Planning Policies (LLP2) can be found [here](#)

22. The Rushcliffe Residential Design Guide states that extensions to existing dwellings need to adhere to many design principles, notably those addressing scale, proportion, building and roof lines and privacy. Extensions should be designed so they are not readily perceived as being merely 'add-ons' to the original building. As a general rule, the style and design of the original dwelling should remain the dominant element with the extension subordinate to it.

A copy of the Rushcliffe Residential Design Guide can be found [here](#)

APPRAISAL

Amenity Assessment

23. The main considerations in the determination of this application relate to the design of the proposed extensions and their impact upon the character and appearance of the street scene and the wider Bingham Conservation Area, whilst also taking into account impacts on surrounding residential amenity

Two Storey Rear Extension

24. Although comments have been received from several dwellings along Long Acre the side elevation of the two storey rear extension would predominately impact nos. 73, 75 and 77. No. 73 already faces the blank two storey side elevation of no. 13 Cherry Street and the proposed extension would be offset to the east. No. 77 would not directly face the extension, it would be offset to the west. No. 75 is the only dwelling that would directly face the blank wall of the rear extension.

25. There would be a separation distance of c.1.8m from the side elevation of the rear extension to the shared southern boundary and c.14m to the rear elevation no. 75 Long Acre

26. The rear view from neighbouring gardens along Long Acre, would inevitably be changed by the height and mass of the two-storey side extension. However, blank side elevation of the extension would be c.14m away from the rear windows in the dwelling at no. 75 Long Acre, a distance considered acceptable to avoid any unacceptable over-bearing impact. Therefore it is also unlikely that any windows in the rear of no. 75 would be overshadowed..
27. Objections to the proposal mention the loss of a view across to the church clock on the Church of St. Mary and All Saints. Whilst it is acknowledged that this view is valued by the residents of no. 75 and 77 Long Acre in particular, from a planning point of view there is no right to a view and this objection is not a reason to refuse the application.
28. There would be no new windows in the side elevations of the rear extension and windows in the rear, garden facing, elevation would have a similar impact to the existing rear facing windows.
29. The application site lies to the north of the dwellings on Long Acre and Cherry Street is on a north-south orientation. Therefore, when taking into account the existing built form to the application site the proposed rear extension's scale and siting is not considered to result in unacceptable levels of overbearing, overshadowing, or loss of light to neighbouring amenities along Long Acre to justify a refusal of planning permission.
30. During the application, revised plans were submitted to reduce the over-bearing impact on neighbours to the south on Long Acre. This was achieved by dropping the height of the ridge line in relation to the host dwelling and changing the roof design from a gable to hip. The use of pale render on the southern elevation of the two storey extension was introduced to reduce the starkness on the blank side wall beyond the rear gardens of no. 73-77 Long Acre.
31. It is considered that the revisions made to the two-storey side extension have helped the extension adopt a sympathetic design and a more subservient appearance to the host property, as well as reducing the overall bulk and dominance.

Other Extension & Alterations

32. At the front of the dwelling the conversion of carport to garage and the new front porch would have little impact on neighbouring dwellings. Neither would lead to undue over-shadowing, overbearing or loss of privacy. They would be set back sufficiently so as to have no undue impact on the street scene.
33. The new dormer on the rear elevation would be on the roofslope of the single storey element which forms the attachment to the next door dwelling. The roof currently holds a roof light on the rear roof slope as the roof space is used as a bedroom. The proposed dormer would replace the roof light. Being well set back from the eaves of the roof and at a slightly lower height than the other first floor windows on the existing dwelling it is not considered that this dormer window would lead to any undue over-looking or loss of privacy towards the adjacent dwelling at no. 11 Cherry Street. The new dormer would unlikely be visible from any other nearby dwellings and have no undue impact on any other properties.

34. The existing garage would be converted to habitable accommodation, thereby losing a parking space. The dwelling itself is well set back from the road with an ample gravel drive and off road parking at the front of the dwelling for several dwellings ensuring the loss of parking space would not lead to any highway impacts.

Proposed Garden Room

35. The proposed detached garden room/office would be located in the rear garden. It would be c.18m away from the boundary with the dwellings to the south on Long Acre, well screened by this boundary consisting of a c.3m, well established and substantial privet hedge and shrub planting. It would be closest to the rear boundary of no. 11 Cherry Street, a boundary consisting of a c.2m high close boarded fence. There are substantial outbuildings in the rear garden of no. 11 Cherry Street immediately adjacent this boundary which would provide ample screening from the proposed garden building.
36. It is not considered that the proposed garden room would lead to any undue impact on nearby and neighbouring dwellings.
37. From the submitted plans it appears that the garden room would have elevations vertical timber, however this is not confirmed and it would therefore to ensure that the appearance of the garden room is satisfactory it would be prudent to include a materials condition on any forthcoming planning approval requiring that details of the materials be submitted to and approved by the LPA prior to the construction of the garden room.

Amenity Assessment Conclusion

38. It is acknowledged that the proposal has received considerable objections and has raised some concerns to neighbours, some very personal and unique, and it should be stated that all of these concerns have been taken into account. Site visits have been carried out not only to the application site, but to no. 75 and no. 77 Long Acre.
39. However, on balance when assessing the application using all the relevant planning guidance it is considered that the proposals would not be significantly harmful to the living conditions of the occupiers of the dwellings along Long Acre or 11 Cherry Street in terms of the scale, design, form, mass, and siting, of the proposals, enough to warrant a refusal of the application. Nor would they be harmful to the character or appearance of the host property or street scene.

Heritage Assessment

40. The application site is within the Bingham Conservation Area and there are several listed buildings nearby. According to the Townscape Appraisal, a view or glimpse of the spire of the Grade I listed Church of St. Mary and All Saints crosses the rear (eastern) boundary of the proposal site. The same plan identifies nearby a small number of identified positive buildings of special architectural or historic character. Therefore, the impact of the proposal on the special interest of the Listed Buildings and Conservation Area must be given consideration.

The Bingham Townscape Appraisal can be found [here](#)

Listed Building Impact

41. The proposal would not harm the special interest of the Listed Building by virtue of distance, intervening development and the lack of intervisibility between the properties.

Impact on the Conservation Area

42. There is a mix of architectural styles and periods to the built form along Cherry Street, and it is considered that due to the design and age of the host property that it has a neutral contribution to the character and appearance of the Conservation Area.
43. The proposed alterations to the front of the dwelling would be visible from the public realm on Cherry Street. The design and materials proposed for the converted garage and porch and the new windows are such that the impact would not be harmful to the special interest of the Conservation Area.
44. Gaps in between 73 & 75 and 77 & 79 Long Acre may afford fleeting glimpses of the proposed rear extension, however no.13 Cherry Street itself is already visible through the gap between no. 73 & 75 with no obvious detriment to the Conservation Area. The proposed garden room would not be visible from the public realm within the Conservation Area.

Neighbour Heritage Concerns

45. The comments from the neighbours regarding the view of the church spire between dwellings on Long Acre are noted, however these are not identified views in the Bingham Townscape Appraisal and are slight views through narrow gaps between one or two dwellings. The view of the church (and its spire) between nos. 81 and 83 Long Acre and the view from Fosters Lane to the east, both formally identified as important views in the Bingham Townscape Appraisal, would not be impacted. Therefore, it is considered that the special interest of the Conservation Area and its views would be preserved.

Heritage Assessment Conclusion

46. Ultimately the Borough Conservation Officer raised no objection to the application and stated "the special interest of the Conservation Area would be preserved". Overall, the proposal is not seen to cause harm to the significance of Bingham Conservation Area and preserves its character and appearance. The character and quality of the street scene will be maintained, and the proposal is not considered to cause harm to the character or appearance of this part of Bingham Conservation Area. The Local Planning Authority has paid special attention to the desirability of preserving the Conservation Area's character and appearance, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the proposal is, therefore, considered positively in relation to the statutory duty under this section of the Act.

Overall Conclusion

47. The strength of objections is acknowledged, however, on balance when assessing the application using all the relevant planning guidance it is considered that the proposals would not be significantly harmful to the living conditions of the occupiers of the dwellings along Long Acre or 11 Cherry Street in terms of the scale, design, form, mass, and siting, of the proposals, enough to warrant a refusal of the application. Nor would they be harmful to the character or appearance of the host property or street scene and it is therefore recommended that planning permission be granted.
48. The proposal is not considered to conflict with the relevant policies in the Rushcliffe Local Plan Part 1 and 2, the National Planning Policy Framework or the guidance in the Rushcliffe Residential Design Guide.
49. Negotiations have taken place during the application to address issues of design, which has led to the submission of revised plans and a therefore a favourable recommendation

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans all received on 20 July 2022
 - 22-010-05 AMENDED PROPOSED FIRST FLOOR PLAN
 - 22-010-06 AMENDED PROPOSED ELEVATIONS
 - 22-010-11 AMENDED PROPOSED SECTIONS

[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 Policies 1 (Presumption in Favour of Sustainable Development) and 2 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy and Policies 1 (Development Requirements) and 28 (Conserving & Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

4. The construction of the garden building hereby approved shall not be commenced 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 garden building shall only be constructed in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with Policies 1 (Presumption in Favour of Sustainable Development) and 2 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy and Policies 1 (Development Requirements) and 28 (Conserving & Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

NOTES TO APPLICANT

It is understood that there may be a covenant on this property which could prevent the use/development authorised by this permission. You are reminded that this decision relates to planning law only and does not override the terms of any covenant.

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.