

23/01565/FUL

Applicant Ms Sue Kemmer

Location 27 Main Street, Keyworth, Nottinghamshire. NG12 5AA.

Proposal Detached garage with first floor store and external stairs. Car port (Retrospective)

Ward Keyworth And Wolds

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

THE SITE AND SURROUNDINGS

1. The application site refers to No.27 Main Street, Keyworth which is a two storey dwelling with private amenity space to the rear of the site. The site previously had a detached garage within this private amenity space and, had permission for a replacement approved in September 2021. The replacement garage has not been constructed in accordance with the approved plans which results in the current application which seeks permission for the structure 'as built'.
2. The application property lies within the Keyworth Conservation Area and is identified as a key unlisted building in the Conservation Area Townscape Appraisal. It is within close proximity to several grade II listed buildings including the 'Barn at Number 31 Main Street', which is to the South of the application property, and 19 Main Street to the North of the application site.

DETAILS OF THE PROPOSAL

3. Retrospective planning permission is sought for the construction of the garage, external staircase and car port as built, which differs from the approved scheme in 2021.
4. The approved scheme was for an outbuilding in the rear garden that would be used as a double garage and storage area at ground floor with an internal staircase and a 'hobby room' at first floor. The building was proposed to measure c.3.27m to the eaves and c.5.41m to the ridge. The approved plans also showed a glazed link extension between the existing dwelling and the garage with a lean-to roof measuring c.2.29m at the eaves and c.2.75m at the ridge.
5. The present application proposes for an outbuilding with the same use and footprint, but it would have an eaves height of c.3.35m and a ridge height of c.5.53m. It would also include external alterations including the construction of an external staircase (with obscure glazed screening to a height of c.1.79m from the height of each step and platform, for steps greater than c.1.45m from ground level) adjacent to the South elevation, relocated solar panels and fenestration alterations; including the re-siting of 1no front facing rooflight, a

relocated and larger window on the North side elevation and the alteration from a window to an external door at first floor on the South side elevation to serve the external staircase.

6. The present application also differs from the approval with the 'glazed link' now being an open-front car port with a dual-pitched roof, with an eaves height of c.2.12m and a ridge height of c.3.30m.

SITE HISTORY

7. 21/01913/FUL: Demolish detached garage/workshop building and build detached garage/workshop building with first floor accommodation within the roofspace and glazed link to main house. Permitted September 2021.
8. 21/01932/RELDEM: Demolish detached garage/workshop building. Permitted September 2021.

REPRESENTATIONS – Response to Original Submission

Town/Parish Council

9. Keyworth Parish Council object to the proposal due to:
 - a) Not being in keeping with the Conservation Area;
 - b) Privacy;
 - c) Loss of light;
 - d) Future use of building

Statutory and Other Consultees

10. Keyworth Conservation Area Advisory Group objects to the application due to:
 - a) The design of the external staircase;
 - b) The impact on neighbours' outlook and privacy;
11. The Borough Conservation Officer, notes that the approved scheme was more successful than the present application but given the scale and siting of the building, the proposal would preserve the appearance of the property and therefore the Conservation Area, and there would be no harm to the special interest of the nearby listed buildings.

Local residents and the General Public

12. Three letters of representation have been received which object to the proposal and their concerns relate to:
 - a) Unsightly appearance;
 - b) Use of materials;
 - c) Privacy;
 - d) Lost of light;
 - e) Impacted view;

REPRESENTATIONS – Response to Amended Scheme

Ward Councillor(s)

13. One Ward Councillor (Cllr T Wells), objects to the application due to:
- a) Poor design;
 - b) Potential future change of use;
 - c) Overshadowing;
 - d) Overbearing;

Town/Parish Council

14. Keyworth Parish Council object to the proposal due to:
- a) Not being in keeping with the Conservation Area;
 - b) Privacy;
 - c) Loss of light;
 - d) Future use of building;

Local residents and the General Public

15. Three letters of representation have been received which object to the proposal and their concerns relate to:
- a) Privacy;
 - b) Loss of light;
 - c) Impacted view;
 - d) External staircase is out of character;
 - e) Creating precedent;

PLANNING POLICY

16. The decision on any application should be taken in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy, The Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2) and the Keyworth Neighbourhood Plan – adopted June 2018. Other material considerations include the National Planning Policy Framework (NPPF) (Revised 2021) the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide (RRDG).

Relevant National Planning Policies and Guidance

17. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social, and environmental.

18. 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 and Enhancing the Historic Environment

19. The National Planning Policy Framework 2021, Paragraph 135, states that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

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

20. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard must be taken when assessing this planning application. Any alterations which are not seen to preserve a Listed Building, its setting, or any features of special architectural or historic interest, are not considered to be desirable as per the Planning (Listed Buildings and Conservation Areas) Act 1990.

21. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Relevant Local Planning Policies and Guidance

22. The following policies of the Rushcliffe Local Plan Part 1: Core Strategy are considered to be relevant to the current proposal:

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

23. The following policies of the Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2) are considered to be relevant to the current proposal:

- Policy 1 - Development Requirements
- Policy 28 - Conserving and Enhancing Heritage Assets

24. The Rushcliffe Residential Design Guide (2009) sets out guidance for extension design and assessment of amenity impacts.

25. The Keyworth Neighbourhood Plan was adopted on 1 June 2018. Decisions on planning applications in the parish have to be made in accordance with both the Neighbourhood Plan and the Rushcliffe Local Plan, unless material considerations indicate otherwise.

Full details of local planning policies can be found [here](#)

APPRAISAL

26. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
27. The main issues in the consideration of the application are; the principle of development; design/impact upon the character and appearance of the streetscene, heritage, and impacts upon residential amenity.

Principle of development

28. There is no objection in principle to the proposed construction of the building and link extension, provided it would be designed to a high standard, respect the established character of the area, and would not have an adverse effect on the amenity, whilst being in accordance with the policies of the National Planning Policy Framework (2021), The Rushcliffe Local Plan Part 1 and The Rushcliffe Local Plan Part 2. There is no conflict with the Keyworth Neighborhood Plan. A building in this location has previously been approved and the site history is a material planning consideration.

Design issues and surrounding area

29. The proposed garage and car port would be one-and-a-half storey and be sited to the rear of the two-storey host dwelling such that limited view of the structure would be available from public domain, between the built form of 19 and 27 Main Street.
30. The proposed garage would make appropriate use of a red brick (with appropriate eaves and verge detailing and brick headers above openings) and have a red pantiled dual-pitched roof. These are all design traits considered to be in keeping with properties in the Conservation Area, and in-particular this part of Main Street, whilst also taking lead from the building that previously occupied this part of the site.
31. The proposed garage would make appropriate use of materials, in addition to the design being sympathetic to the existing property, in terms of its scale and built form, in accordance with the design policies outlined above.
32. Due to its scale and siting in relation to intervening built form, the car port would not be easily visible from public domain. That said, it is considered to have an appropriate design with a roof pitch and height that would match and follow on from the host dwelling and thus being sympathetic to the host dwelling.
33. The external staircase would not be of a design typically seen within the vicinity. Nonetheless, the external staircase would not be easily visible from public domain, being screened by the proposed building to the North, the proposed car port and existing dwelling to the West and 31A Main Street to the South. On balance, whilst an external staircase may not be desirable

within the area, it would not be considered to negatively impact the surrounding area.

34. Overall, Officers are satisfied that the quality of the proposed development would not be materially diminished from the approved scheme, and the proposed development would be acceptable in terms of the impact on the surrounding area.

Heritage

35. Whilst the host dwelling is between two listed buildings, 19 Main Street to the North and 31 Main Street to the South, the Conservation Officer has raised no concerns that the nature of the works proposed would have any bearing on the significance of the nearby heritage assets. As such significance of these structures would be effectively preserved, achieving the desirable criteria of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
36. In terms of the Keyworth Conservation Area, given the building makes use of appropriate roof forms and materials, Officers view the impact on public domain and the Conservation Area to not be significant. Whilst concerns have been raised with regards to the style and appearance of the external staircase, this would not be easily visible from public domain due to being screened by neighbouring properties, the host dwelling and the proposed building. This view is shared by the Conservation Officer, who states 'I consider the proposal would preserve the appearance of the property and therefore the Conservation Area. Accordingly, the scheme would be considered to achieve the desirable criteria of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in preserving the special architectural and historic character of the conservation area.
37. The development would therefore accord with local and national heritage policies of the development plan.

Impact of proposed development on amenity of adjoining occupiers

38. Core Strategy 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 Local Plan Part 2: Land and Planning Policies, which states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties.

Overshadowing –

39. The application site is located on the East side of Main Street, and the proposed outbuilding and car port is located in the rear (East) garden. With regards to neighbouring properties, the proposed structures is located to the North of 31A Main Street and South of 19 Main Street.
40. Given the proposed building is of a reduced height to the demolished outbuilding and it is located a suitable distance from the boundary for its height, there are no significant overshadowing concerns as a result of the proposed development with regards to 19 Main Street.

41. Given the structure is located to the North of 31A Main Street, the proposed development would not result in any notable overshadowing to this neighbour.

Overbearing / Loss of light –

42. It is noted that 31A Main Street has several rooflights facing towards the application site and one in particular that may be impacted by the development which is located approximately 3.0m above ground level (on the application property) and c.0.30m inset from the boundary. The potentially impacted rooflight is located off-centre to the garage/staircase.
43. The demolished outbuilding was located c.1.41m from the boundary with 31A Main Street, with a length of c.5.13m, an eaves height of c.3.26m and a ridge height of c.5.41m. The proposed, as built, outbuilding is located c.1.91m from the boundary with 31A Main Street, with a length of c.6.20m, an eaves height of c.3.35m and a ridge height of c.5.53m. Whilst the structure has a slightly greater length and height, it is located c.0.50m further from the boundary and therefore Officers consider the overbearing impact would be reduced.
44. The staircase adjacent to the South elevation of the garage would have a maximum height of c.4.56m to the top of the obscure glazing adjacent to the platform facilitating the proposed entrance door to the first-floor level. Whilst the staircase is c.1.00m closer to the neighbouring property than the garage, it should be noted that the staircase/obscure screen is significantly lower in height than the garage structure itself, the screen (being opaquely glazed) still provides for diffused light to pass through, and a significant amount of natural light would still enter the neighbouring property's rooflight. As such, it is Officer opinion that the staircase and screening would not materially impact the natural light received at the neighbouring property, compared with the garage - which has been assessed above and in the previous application as not being of an overbearing impact.
45. Given the car port's eaves height, ridge height, roof form and siting in relation to the neighbouring glazing, it is not considered to be of an unacceptable overbearing nature.

Overlooking –

46. As part of the application as submitted, which represents the building as constructed, Officers had significant concerns with the level of overlooking from the external staircase, particularly on the last 5 steps before reaching the top platform. Whilst it was noted that the staircase would be used in passing, the level of the outlook into the neighbouring property was considered detrimental to their enjoyment of the dwellinghouse. Accordingly, amended plans have been provided which propose for the installation of an extended obscure glazed screen for the last six steps of the staircase at a height of c.1.79m from the edge of each step. Concerns have been raised with the height of the obscure glazed screen and not being sufficient to prevent overlooking. The height of the obscure glazing would measure c.1.79m from the edge of each step, which is equal to c.5'10", and therefore would require a person's eye level greater than this and to be stood immediately adjacent to the obscure glazed to see over - which would not be particularly easy or natural. Thus, Officers are satisfied that there would be no downward overlooking into the rooflight of the neighbouring property.

47. Concerns have also been raised with the gaps between the obscure glazing and the metal hand rails. Officers consider this to be a limited available outlook which again, would not be particularly natural to look through.
48. The garage and car port would have multiple ground floor windows and openings, where the outlook would be considered to be predominantly contained within the site boundaries such that there is no significant overlooking concern.
49. The garage would include 1no window above a typical ground floor height, but given the distance to the North neighbouring property and that there is a first floor void at this part of the garage, there are no significant overlooking concerns.
50. The garage includes 2no front facing rooflights facilitating a storage area and 1no front facing rooflight facilitating a void above the garage space. Given the outlook faces towards the host dwelling, there is no significant overlooking concern.
51. Overall, Officers are satisfied that the garage would not result in any significant negative impact on the amenity of adjoining occupiers that would warrant refusal of the planning application.

Other Matters

52. Concerns have been raised with regards to the potential future use of the first-floor of the outbuilding. Officers have added a condition requiring the building, in full, shall be used ancillary to the host dwelling and not sold or let separately. That said, members are reminded that the application should be determined based on the application as proposed, and any future change of use would require a planning application.

Recommendation

53. It is considered that the proposed development will not negatively impact the amenity of the occupiers of surrounding properties or be detrimental to the character and appearance of the area. The proposal therefore complies with local and national policies and it is recommended that planning permission be granted.
54. Negotiations have been undertaken during the consideration of the scheme as a result of overlooking concerns from the external staircase as proposed/built resulting in amended plans and a recommendation to approve the application.

RECOMMENDATION

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

1. The development hereby permitted must be carried out strictly in accordance with the following approved plan(s)/drawings/documents.

- 700.01Rev C - Plans and elevations as proposed - resubmission. Dated August 2023.
- 700KEMMERASITEBLOCK03REVA. Received August 2023.

[For the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

2. The materials used in the construction of the exterior of the development hereby permitted must be similar in appearance to the materials used as seen on site.

[To ensure the appearance of the development is satisfactory having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

3. The garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the host dwelling (27 Main Street, Keyworth) and shall not be sold or let separately.

[The development is of a nature whereby future development of this type should be closely controlled in the interest of amenity and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. The obscure glazed screen adjacent to the external staircase as part of the development hereby permitted must be installed prior to the the installation of a door to facilitate the use of the first floor. It shall be installed in accordance with the approved plans listed above, and retained thereafter for the lifetime of the development. Should the glazed screen be damaged/broken to the extent that its use is redundant, it must be replaced with a new obscure glazed screen to the satisfaction of the Local Planning Authority as soon as reasonably practicable.

[To preserve the amenities of neighbouring properties, having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

Note-

The application was not the subject of pre-application consultation however any significant concerns have been raised and resolved during the consideration of the scheme allowing for the decision to be issued within an agreed extension of time.

Having regard to the above and having taken into account matters raised there are no other material considerations which are of significant weight in reaching a decision on this application.

NOTES TO 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 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.

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 landowner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.