

# 24/00776/FUL

**Applicant** Ms Anna Mann

**Location** 26 Lyme Park West Bridgford Nottinghamshire NG2 7TR

**Proposal** Two year temporary permission for side boundary fencing. New side gate. Planting of side perimeter hedging. Alterations to existing garage with new hardstanding and adequate drainage to create driveway for parking (Retrospective)

**Ward** Compton Acres

## THE SITE AND SURROUNDINGS

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

1. The application relates to a 2-storey detached dwelling constructed of red brick with a brown tile roof. It is located in the Compton Acres area, a location with significant open landscaping. There is a detached garage to the side. Previous to the retrospective works, the site had a driveway leading into the garage with a section of open landscaping to the south and southwest of the dwelling.
2. The site is within the Environment Agency flood zone 3.

## DETAILS OF THE PROPAL

3. The proposed development includes a two-year temporary permission for side boundary fencing, a permanent side gate, planting of side perimeter hedging and alterations to existing garage with new hardstanding and adequate drainage to create a driveway for parking. Part of the works sought under this application have already been completed and these elements are the enclosure of the original driveway, installation of temporary fencing, gate, hedge and landscaping to front. The removal of the open landscaping to the front of the garage has also been carried out. An area of gravel has been placed and is currently being used for parking.
4. The side boundary fencing, and gate has a height of 2.2m with the top 0.3m of the fencing being comprised of trellising. It is constructed of timber fence panels with concrete pillars. It is proposed that the fencing would be temporary and the gate permanent.
5. In front of the fence facing the streetscene a laurel hedge has been planted.
6. The alterations of the garage include partially removing the brick wall to the south elevation to create an opening. Within the garage a new door is proposed to be set back from the new opening by 1.2m. New resin bound surface hardstanding is proposed to cover the gravel driveway (that currently does not have the benefit of planning permission). Together the garage and hardstanding are proposed to be used as 2 No. parking spaces. These are proposed works and not retrospective.

7. The proposal involves an area of existing open landscaping (51sqm approx). Approximately 20sqm of new open landscaping is to be located in front of the temporary boundary fence. This would result in the loss of around 31 sqm of open landscaping.
8. The above proposal is the result of negotiations between the LPA and applicant with the original proposal including fewer parking spaces (as classified according to the NCC highways design guide) and less of a setback for the proposed door of the garage. The applicant has also provided comments in respect of concerns raised which can be read in full [here](#).

## **SITE HISTORY**

9. 87/01045/A4P-Construction of 38 dwellings & associated road layout-PERMITTED. Note: condition 7 removed permitted development rights for "walls, fences, hedges or other means of enclosure".
10. 23/01289/FUL -Retrospective application for the erection of a wooden fence to the side boundary with planting and turf in front.

Refused by reason of:

1. Its height, siting, appearance and design the fence results in an unduly prominent and visually intrusive form of development, which detracts from the open appearance of the site and results in a detrimental impact on the setting of the property, the street scene and wider Compton acres estate. The loss of landscaping by the location of the fencing, to extend the private area of curtilage, together with the creation of a gravelled area is not considered to be in keeping with the established pattern and characteristics within area which is of open landscaped areas within the street, open frontages and green spaces all of which softens the appearance of the area. The proposal fails to make a positive contribution to the public realm and sense of place and has an adverse impact of the character and appearance of the area.
2. The development results in the loss of parking spaces and the new layout is considered to be insufficient to accommodate parking spaces in line with Nottinghamshire Highway Design Guide. An area has been surfaced in a loose gravel which is contrary to the Nottinghamshire Highway Design Guide and this new layout requires the use of Highway land which is not in the control of the applicant.

## **REPRESENTATIONS**

### **Ward Member**

11. One Ward Councillor (Cllr Om) - objects - stating that the temporary fence should not be allowed and that the streetscene would be changed for the worse by the erection of the fence due to its impact on Compton Acres open spaced design. In respect of revised plans Cllr Om maintained his objection.
12. One Ward Councillor (Cllr Phillips) - objects - referring to reasons given to the previous application in August 2023. His previous objection raised concerns

over the gravel driveway, impact of the fence on the openness of the Compton Acres estate and need to store wheelie bins at the front of the site as a result of the proposed development.

13. In respect of the current application Cllr Phillips considers that the hard standing space would not provide sufficient parking space, and any garage door recess would lead to cars having to park at an angle. He suggested that the Garage be demolished / moved back and a proper hard surface not loose gravel and that the temporary fence should not be allowed.
14. During the course of the application further comments were received from Cllr Phillips maintaining his concerns in respect of the size and space of the parking area and that the fence is not acceptable. Allowing the application would set a precedent and much of Compton Acres uniqueness will be lost.
15. In response to revised plans Cllr Phillips maintained his objection commenting on the length of time, maintaining that there was insufficient space for the parking and that no attempt to remove the gravel has been made. He expressed that the area should be reverted back to open space

### **Statutory and Other Consultees**

16. Nottinghamshire County Council (NCC) as Highways Authority - initially objected to the scheme on the basis of the proposed development would provide insufficient parking spaces according to the NCC highways design guide and the proposed parking spaces would overhang a strip of land in the ownership of NCC. Following the submission of revised plans, that increased the recess of the proposed garage door to provide sufficient space to comply with the NCC design guide for parking spaces without overhanging the NCC land, they withdrew their objections to the scheme.
17. The Borough Landscape Officer - Commented on the growth rate and type of Laurel forms. The officer highlighted that Laurel is a medium growing evergreen species with a growth rate of 30-60cm when established. Laurel makes a good hedge between 1 to 2m or more in height and if not pruned can grow a lot taller. It is a popular and well used hedgerow plant and due to its tough nature is well suited to external boundaries and public facing areas and roadside verges as it tolerates wind and salt damage.

### **Local Residents and the General Public**

18. Representations have been received from 4 individual properties. Three in support of the scheme and one objection. These comments are summarised as follows: -
  - a. the work that has been carried out at this address has enhanced the appearance of this section of Lyme Park. The fencing is tasteful and the planting of shrubs and flowers lovely to look at.
  - b. The applicant has worked hard on the development and has done a great job.
  - c. no objection to the erection of the side boundary fencing on the property of 26 Lyme Park. We think that it adds to the aesthetic of the

neighbourhood, especially with the plants that they have chosen to grow in front of the fence. I think it looks quite good.

- d. The street scene has been changed considerably by the erection of this oversized fence. In coming out of our property before this, we could see to the pond - now we see an oversized fence.
- e. The hedge has grown to a sufficient height to allow the fence to come down.
- f. There is not enough room for the two car hard standing without knocking down the garage and placing it further back into her garden. At present the car is parked over the service strip and would continue to be under these proposals.

Full comments can be found [here](#)

## **APPRAISAL**

### **APPRAISAL - POLICY**

- 19. 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 and The Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the National Planning Policy Framework (NPPF) the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide (RRDG).

### **Relevant National Policies and Legislation**

- 20. 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.
- 21. 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.
- 22. 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.
- 23. As such, the following sections in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:

- Section 2 - Achieving Sustainable Development
- Section 12 - Achieving Well Designed and Beautiful Places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change

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

### **Relevant Local Plan Policies and Guidance**

24. 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
25. 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 17 Managing Flood Risk
26. The Rushcliffe Residential Design Guide (2009) sets out guidance for extension design and assessment of amenity impacts.
27. The policies in the Core Strategy, Local Plan Part 2 and the Rushcliffe Residential Design Guide are available in full along with any supporting text on the Council's website [here](#).

### **APPRAISAL**

28. 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.
29. The main considerations of this proposal are:
- o Principle of development
  - o Design and impact on streetscene
  - o Impact on neighbouring residential amenity
  - o Flood risk
  - o Parking and Highways safety
  - o Biodiversity Net gain

#### Principle of development

30. The overarching Policy 1 in the LPP1 reinforces that a positive and proactive approach to decision making should be had which reflects the presumption in favour of sustainable development contained in the NPPF.

31. In this instance the proposed development comprises extensions and alterations at an existing dwelling within the main settlement area of West Bridgford. As such it is considered to be a sustainable development and therefore is acceptable in principle subject to other material considerations being acceptable.

### Design

32. Policy 10 of LPP1 and Policy 1 of LPP2 require matters such as the scale, height, massing, design and layout of a proposed development to be carefully considered to ensure that a) it respects the appearance of the existing building and b) remains subservient to it. In addition, the policies require new developments not to harm the character of the wider area either.
33. The proposed works involve a temporary boundary fence and hedgerow , incorporation of original car standing into the garden area of the property, together with alterations to the existing garage and a new hard standing area to facilitate for parking. The proposal involves the loss of an element of open space that was largely grassed.
34. The retrospective application for the fencing is made on the basis that temporary additional screening is required to provide both privacy and security between the private amenity area of the garden and the public realm along Lyme Park whilst the hedgerow planting matures. The landscaping officer has suggested that the hedge would grow at a rate of between 30-60cm annually. In order to allow the hedge to reach the maturity necessary to provide the privacy and security desired by the applicant the fence would need to be in place for up to two years.
35. The importance of retaining the originally approved landscaping features and open space on the estate is evident through the removal of permitted rights for the erection of fences or other means of enclosure forward of any dwelling that fronts the highway as part of application A4/86/0237/P for the original housing development. Areas of landscaping is a particular character of the Compton Acres area and we have sought to protect quality areas of open space/ landscaping throughout the area.
36. It is noted that moving forward property boundaries and erecting hard landscaping goes against the open space design of Compton Acres, fencing is also not considered to be in keeping with the character of the local area. The vast majority of hard landscaping in the local area is made up of red brick boundary walls not wooden fence panels further adding weight to the proposed fencing not being in keeping with the character of the local area. Considering this, and the prominent corner plot position of the dwelling, it is considered that permanent fencing of such size and materials would be harmful to the character of the area.
37. However, hedges and dense areas of vegetation make up a number of the boundaries facing the streetscene on Lyme Park and the wider Compton Acres estate. These hedges and vegetation do not require planning permission to put in place.

38. As a result, while the fence would be considered visually harmful to the character of the area, it would be considered acceptable as a temporary measure to retain a degree of privacy whilst the hedgerow planting becomes established. This planting, alongside the 1m strip of open grassland fronting the hedge, would ultimately be in keeping with the character and appearance of the area and would preserve its character and open appearance.
39. The planting has already reached a height of approximately 1.5m which already partially screens the fencing from view, reducing the impact on the character of the area. As the hedge grows the impact of the fence would reduce.
40. It is noted that the proposal would increase the amount of residential amenity space for the property which is recommended in the residential design guide.
41. The proposed hardstanding would replace what was previously an area of grassed open landscaping adjacent the existing garage. Currently gravel has been used but the proposal seeks to replace this with a resin bound surface. Not only would the proposed hedge screen the drive from view from the east but considering the similarity of the proposed driveway to neighbouring properties and new open landscaping to the front of the fence, the loss of landscaping to provide off street parking for the property is not considered significant enough to warrant refusal.
42. In order to create parking spaces of a sufficient depth clear of the highway changes are proposed to the side wall of the existing garage. The wall would be removed and a new garage door set into the existing structure by a minimum of 1.2m. This would allow for the required 5.5m depth spaces for 2 vehicles. The proposed recessed garage door would not have a significant impact on the character of the area considering its size and siting. A condition is proposed to ensure matching materials are used.
43. The proposed side gate would largely be screened from view by the hedge and garage. Considering this it would be unlikely to have a significant impact on the character of the area.
44. The comments of the Cllrs and representations are noted however, on balance it is considered that the fence is acceptable as a temporary measure whilst the hedge matures, the changes to the driveway, garage and open space are acceptable and that overall the proposal is not considered to result in a significant adverse impact upon character of the area. Conditions are proposed to ensure the works are undertaken and that the fence, and associated posts, are removed.

#### Impact of proposed development on amenity of adjoining occupiers

45. Core Strategy Policy 10 requires that development should be assessed in terms of its impact on the amenity of nearby residents. This is reinforced under Policy 1 of the Land and Planning Policies document, which states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties.
46. The proposed development is not considered to result in any significant overlooking, overshadowing or overbearing impacts due to the height and

distance to neighbours, scale and form of development and the nature of the works that form part of this application.

### Parking and Highway Safety

47. The NCC Design guide at 4.1 advises that 4 or more bedrooms should have 3 or more parking spaces. The relocation of the fence and incorporation of the originally approved garage, incorporation of associated vehicular hardstanding into the garden of the property, and creation of a new car standing area has led to the loss of off-street parking for the property. There is a strip of land approximately 1m in width on the section of driveway directly adjacent to the road which is Highway. NCC highways objected to parking on this area of land which the original proposal included.
48. Following discussions with the agent, the scheme was amended to create 2 No. parking spaces which would partially fit into the recessed garage and not overhang the highway. Though the proposal would not provide the 3 No. off street parking spaces recommended in the NCC highways design guide, NCC highways do not object to the proposal based on the revised plans and provision of 2 spaces. There is unrestricted road parking. The comments of Cllr Phillips in respect of the dimensions are noted however officers are satisfied that the proposal as amended would provide for two vehicles to park clear of the highway. Conditions are proposed to facilitate the alterations proposed in a timely period.

### Flood Risk

49. The property is located within an area identified at risk of possible flooding on the Environment Agency (EA) flood risk map. It therefore must adhere to the Governments standing advice on householder development within a flood risk area. The advice states that all new development must be situated on the same level as the existing dwelling or 300mm above existing flood levels. The applicant has confirmed that the development will be set no lower than the existing levels.
50. The applicant has confirmed that the proposed driveway would be formed in resin bond which is a permeable material. Details are proposed to be secured by condition.
51. The development would therefore satisfy the EA's standing advice for minor development. An informative is included advising the applicant to construct the development having regard to the EA's flood proofing, resilience and resistance techniques. As a result, the proposed development complies with policy 17 of the LPP2.

### Biodiversity net gain

52. Under Regulation 5 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which, inter alia, is the subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.



## Conclusion

53. Given all the matters as considered above and having assessed the development proposed against the policies set out in National Guidance, the development plan for Rushcliffe and the Residential Design Guide, it is considered to be acceptable. Therefore, it is recommended that planning permission be granted.
54. Discussions have been had during the assessment of the application and amendments have been made to the proposal, and further information has been provided to address relevant planning policy and the identified impacts, thereby resulting in a more acceptable scheme and a recommendation to grant planning permission, subject to conditions.

## **RECOMMENDATION**

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

1. The fence, and associated posts, hereby approved, as shown on the block plan, shall be retained on site on a temporary basis and shall be removed once the laurel hedge planting reaches the height of the fence, or by no later than 31st December 2025, whichever is the sooner.

[Permanent fencing in this location is not considered to be an appropriate form of development temporary consent is to enable the hedgerow to grow to provide privacy having regard to policy 10 (Design and Enhancing Local Identity) 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).]

2. The development hereby permitted must be carried out strictly in accordance with the following approved plan(s)/drawings/documents:
  - o D301 SITE LAYOUT AND BLOCK PLANS (08.08.2024)
  - o D001 DESIGN DRAWINGS (08.08.2024)
  - o D302 SITE LAYOUT AND BLOCK PLANS (08.05.2024)

[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).]

3. The removal of the gravel driveway and replacement with a permeable material driveway (resin bond), details of which shall be submitted and approved by the Borough Council, alterations to the existing garage and the inset garage door, as shown on the plans approved under condition 2 above, shall be completed within 6 months of the date of this permission and shall thereafter be retained as such for the life of the development.

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

4. The drive/parking area hereby approved shall be surfaced in a hard bound permeable material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary and constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking area to the public highway.

The surfaced drive/ parking area and the provision to prevent the unregulated discharge of surface water to the public highway shall then be retained and maintained as approved for parking vehicles only for the life of the development.

[To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) and to ensure surface water from the site is not deposited on the public highway causing dangers to road users and 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. The materials used in the construction/ alteration of the walls of the garage hereby permitted must be completed in materials which match those of the existing garage.

[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).]

6. The laurel hedge located on the southern boundary of the application site, in front of the temporary fence, that has been planted shall be retained and allowed to grow to a minimum of 2m in height. The hedgerow shall then be retained and maintained at the minimum of 2m in height for the life of the development. Any part of the hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species, details of which shall be submitted to and approved in writing by the Borough Council, within one year of the date of any such loss being brought to the attention of the Borough Council.

[Landscaping is an important feature and makes a positive contribution to the character and appearance of the area, its planting and retention is necessary to comply with 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). 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 neighbors' 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 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 that your property falls within an area identified to be at risk of flooding in the Environment Agency's Flood Risk Maps. It is therefore recommended that the design and construction of the extension incorporates advice with regard to flood resilience and resistance techniques which is available to view on the Environment Agency's website

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.