

# 17/03033/FUL & 17/03059/RELDDEM

**Applicant** Mr & Mrs McEwan

**Location** White House Bottom Green Upper Broughton Nottinghamshire LE14 3BA

**Proposal**

- (i) Partial demolition of boundary wall and construction of new vehicular access including new brick piers.
- (ii) Partial demolition of boundary wall (application for relevant demolition in the conservation area).

**Ward** Nevile And Langar

## THE SITE AND SURROUNDINGS

1. This is a joint report in respect of the planning application under ref 17/03033/FUL and an application for relevant demolition of an unlisted structure in a Conservation Area under ref 17/03059/RELDDEM. The application relates to a large detached property in residential use. The building has rendered walls painted white and a grey slate roof. A single storey red brick outbuilding with a red pantile roof is attached to the north elevation of the building. The house and outbuilding occupy the south west corner of the site and the main garden is located in the northern portion of the site. The existing vehicle access is located to the east of the building adjacent to the junction of Bottom Green and Melton Road. There is a brick wall with a hedge behind located to the front of the property along the southern and eastern boundary of the site.
2. The site is located within Upper Broughton Conservation Area. In the conservation area townscape appraisal the building is identified as a key unlisted building as is the adjacent village hall located immediately to the east of the site on Melton Road. The grassed verge at the front of the property is identified as a positive open space.

## DETAILS OF THE PROPOSAL

3. The proposal is an amended scheme which seeks planning permission for the partial demolition of a boundary wall and the construction of a new vehicular access with brick piers to the entrance. The new vehicular access would be provided off Bottom Green. It would measure 6m in width including 2m x 2m visibility splays. The existing wall and privet hedge would be retained along the eastern boundary, and the privet hedge would be extended to the north to close the existing access and a 1.8m high timber fence would be erected behind this hedge extending to the west to enclose the garden and incorporating internal gates. The existing vehicle access to the front of this boundary treatment would be laid to grass. A 1.5m 'red robin' tree would be planted to the front of the timber fence adjacent to the northern boundary of the site.

4. As the part of the boundary wall to be demolished exceeds 1m in height separate permission for relevant demolition of an unlisted structure in a conservation area is required.
5. The scheme has been amended so that the pedestrian visibility splays are measured from the back edge of the footway in order to overcome concerns raised by the Local Highway Authority.

## **SITE HISTORY**

6. Planning application ref.16/02493/FUL for the construction of a vehicular access was withdrawn. This scheme was withdrawn so that concerns raised by the Parish Council relating to highway safety and the historic importance of the wall could be addressed. The Local Highway Authority also raised concerns in relation to the adequacy of the pedestrian visibility splays proposed and the Conservation and Design Officer was concerned that the proposal would harm the special character of Upper Broughton Conservation Area.

## **REPRESENTATIONS**

### **Ward Councillor(s)**

7. The Ward Councillor (Cllr Combellack) objects to the application, she recalls objecting to a very similar application in 2016 and feels the current proposal does not overcome those objections. She agrees with the comments made by the Parish Council regarding safety. The new entrance would be onto an extremely narrow section of Station Road and would cause problems with access particularly for delivery vehicles. Very wide splays would cut into the existing pavement and grass destroying the rural street scene. The destruction of the boundary wall and hedging would create a more urban appearance. She considers that the existing entrance maintains the rural street scene and from a safety and access point of view is the best option.

### **Parish Council**

8. Upper Broughton Parish Council object to the application commenting, *“Council members voted to object to the proposals outlined in this application for the same reasons that were identified for the previous application which was very similar. Firstly, due to the bend in the road heading west down station road, the view from the proposed exit will be restricted and visibility reduced and therefore the parish council does not believe this is a safer option. Exiting the property through the current entrance also gives greater visibility of traffic exiting the A606 on to Station Rd. Secondly, the wall has previously been identified as a feature of historical importance within the conservation area, the loss of this wall would have a negative impact on the street scene in the view of the Parish Council. The wall may need repairs but this isn't a justification for it's demolition and it could be restored to a reasonable standard with relative ease. The final point is that the uninterrupted kerbside on Bottom Green provides roadside parking for events at the Village Hall. There are no other areas to park and if the driveway is installed, parked cars will be pushed back along Bottom Green and closer to where the road narrows near Cross Green, which is likely to cause traffic obstruction.”*

9. The Parish Council also objects to the application for relevant demolition commenting, *“The wall has been identified as a feature of importance within the conservation area, the loss of this wall and verge would have a negative impact on the street scene in the view of the parish council. The Conservation Area Appraisal and Management Plan identifies walls within the Conservation Area as contributing to the informal rural character of the village (section 5.4). In Policy EN2 6.2 it - The loss of grass verges, and the cumulative effect that this has over time, can result in the gradual deterioration of the special character of a Conservation Area. Such works will be resisted. This proposed demolition would lead to the loss of the grass verge. The previous application in 2016 which was withdrawn, failed to receive support from the Conservation Officer due to the loss of the wall having an impact on the Conservation Area and as the proposals are for the removal of this prominent wall, the Parish Council do not see how this application can be supported. The wall may require some work but this is not justification for demolition, the wall could be repaired with relative ease.”*

### **Statutory and Other Consultees**

10. Historic England does not object to the proposal and direct the local authority to be guided by the advice of their conservation specialist.
11. The Conservation and Design Officer initially raised concerns in relation to the level of information that had been provided and inaccuracies in the submitted plans. In response to the amended scheme he is satisfied that the proposal would retain the largely soft and semi-rural character of the existing site boundary and so would not result in harm to the special architectural and historic character and appearance of the conservation area, achieving the objective described as 'desirable' within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. He requests the inclusion of conditions requiring the retained hedge to be retained and maintained to a point not lower than its current height and conditions requiring the retention of the proposed new hedging, together with replacement of any new hedging plants which die, become diseased etc. There is a grade II listed building immediately opposite the site but there is no historic association between it and the application site and the proposal would not harm the setting of the listed building. As such the proposal preserves the significance of listed buildings as is described as a 'desirable' objective within section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
12. Nottinghamshire County Council as the Local Highway Authority initially raised concerns over where the visibility splays were measured from. In response to the amended scheme they raised no objection and considered it to be acceptable subject to the inclusion of two conditions, the first for the provision of a dropped kerb vehicular crossing and the second requiring the existing site access be closed and permanently reinstated to verge/footway.

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

13. No comments have been received in response to the publicity carried out.

## PLANNING POLICY

14. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996. Other material planning considerations include the National Planning Policy Framework (NPPF), the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).

### Relevant National Planning Policies and Guidance

15. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *“In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*
16. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that, for decision taking, this means *“approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
  - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *Specific policies in the Framework indicate development should be restricted.”*
17. Section 12 of the NPPF refers to conserving and enhancing the historic environment and states (amongst other things) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation and also that local planning authorities should look for opportunities for new development within Conservation Areas to enhance and better reveal the significance of the area. In particular, paragraph 134 states that *“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 securing its optimum viable use.”*
18. In relation to residential amenity paragraph 9 of the NPPF states, *“Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people’s quality of life, including (but not limited to): improving conditions in which people live, work, travel and take leisure”*. Paragraph 60 of the NPPF relates to design and states, *“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”* Paragraph 64 states, *“Permission should be refused for development of poor design that fails to*

*take the opportunities available for improving the character and quality of an area and the way it functions.”*

## **Relevant Local Planning Policies and Guidance**

19. None of the 5 saved policies of the Rushcliffe Borough Local Plan 1996 are applicable to this proposal.
20. Policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy 10 states, inter-alia, that all new development should be designed to make a positive contribution to the public realm and sense of place and reinforce valued local characteristics. Policy 11 states that proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.
21. Whilst not part of the development plan the, Borough Council has adopted the Rushcliffe Borough Non-Statutory Replacement Local Plan for the purposes of development control and this is considered to be a material planning consideration in the determination of planning applications. Policy GP2 is concerned with issues of design and amenity and the effect of proposals on neighbouring properties. Policy EN2 states, inter-alia, that planning permission for development within a Conservation Area will only be granted where the proposal would preserve or enhance the character or appearance of the Conservation Area by virtue of its use, design, scale, siting and materials and there would be no adverse impact upon the form of the Conservation Area, including open spaces (including gardens).
22. Consideration should also be given to supplementary guidance provided in the ‘Rushcliffe Residential Design Guide’ and ‘the Upper Broughton Conservation Area Character Appraisal and Management Plan’.

## **APPRAISAL**

23. The site is located on Bottom Green adjacent to its junction with the A606 Melton Road. The existing vehicle access is very close to this junction. The proposal seeks to create a new vehicle access off Bottom Green further from this junction. To achieve this part of the existing brick boundary wall would be removed along with the privet hedge planting behind it. The privet hedge planting would be extended across the existing access and a new 1.8m high timber fence erected behind it. An inner solid timber boundary fence and gate would be erected adjoined to the eastern elevation of the house set back from the highway.
24. It is accepted that the proposal would lead to a loss of a short section of the existing boundary wall and hedge as well as highway verge. Whilst the White House is identified as a key unlisted building within the conservation area, the boundary wall is not identified as an important feature in its own right, instead, the Conservation Area Appraisal talks more generally about boundary treatment, including walls, and the contribution they make to the character of the area. The majority of the existing boundary wall would be retained with the addition of two brick piers located either side of the proposed access. It is noted that the Conservation and Design Officer

considers the proposed demolition of a short section of the existing boundary wall would not on balance harm the overall character and appearance of the conservation area, thereby preserving the character and appearance of the area, an objective described as desirable in 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Therefore, the principal of the proposed demolition of a short section of the existing boundary wall is considered to be acceptable in this case.

25. The wall would be replaced by a timber fence and gate measuring 1.8m in height which would be set back into the site by approximately 5m. It would be partially screened by a new tree to be planted between it and the highway. A new section of privet hedge would be planted across the existing access and the existing area of hard standing returned to grassed highway verge. The Conservation and Design Officer is satisfied that the proposal would retain the largely soft and semi-rural character of the existing site boundary and so would not result in harm to the special architectural and historic character and appearance of the conservation area, achieving the 'desirable' objective of preservation as described within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Conditions relating to the provision and on-going maintenance of the proposed hedge planting have been recommended.
26. Great weight is afforded to the comments made by the Conservation and Design Officer outlined above, however, concerns have been raised by the Parish Council and Cllr. Combellack that the proposal would result in a more urban appearance to the detriment of the street scene. The proposed timber fence would be set back into the site which, in conjunction with the proposed tree planting, would mitigate its impact upon the street scene. The scale of the proposed boundary treatment is considered to be sympathetic to the proportions of the White House. In addition the new hedge planting and grass verge adjacent to the junction of Melton Road and Bottom Green would off-set the loss of a small section of grass verge on Bottom Green to provide the new access. On balance it is considered that the proposal would meet the aims of RBNSRLP policy GP2 which states inter alia *“planning permission for new development will be granted provided that d) the scale, density, height, massing, design, layout and materials of the proposals are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area; and h) there is no significant adverse effect on any historic sites and their settings including conservation areas.”*
27. The proposed access would be off a narrower section of Bottom Green than is the existing situation but it should be noted that the Local Highway Authority does not object to the proposal and raises no concerns on highway safety grounds. It has been demonstrated in the amended plan that the required pedestrian visibility splays can be achieved. They would be located fully within the application site. It is, therefore, considered that the proposal would be in accordance with RNSRLP policy GP2 which states inter alia *“planning permission for new development will be granted provided that b) a suitable means of access can be provided to the development without detriment to the amenity of adjacent of adjacent properties or highway safety.”* On the advice of the Local Highway Authority conditions for the provision of a dropped kerb vehicular crossing and requiring the existing site access be closed and permanently reinstated to verge/footway have been recommended.

28. Concerns have been raised over the loss of on street parking in particular for users of the adjacent village hall. There are currently no on street parking restrictions limiting parking along Bottom Green and this will continue to be the case. The proposal would reduce the potential number of on street parking spaces available but it is considered that little weight is given to this argument as it is not a formal parking arrangement and it is far outweighed by the creation of an improved access arrangement for the occupiers of the White House.
29. The existing vehicular access is located adjacent to the village hall. Moving the access further from this building would result in the drive being closer to the neighbouring property to the west 'South View' yet the White House would be located between this neighbour and the proposed access providing a buffer and mitigating any potential harm. For these reasons it is considered that the proposal would lead to no undue harm to the amenity of neighbouring properties.
30. The proposal was subject to pre-application discussions with the agent and advice was offered on the measures that could be adopted to improve the scheme and address the potential adverse effects of the proposal. Further negotiations have taken place during the consideration of the application to address concerns raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission and permission for relevant demolition of an unlisted building in a conservation area.

## **RECOMMENDATION**

- (i) 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 amended plans ref. 1897.02B, 1897.11C and 1897.10E received on 12 March 2018.  
  
[To ensure the appearance of the development is satisfactory and to comply with policies GP2 (Design and Amenity Criteria) and EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]
  3. The development shall not be brought into use until the existing access has been closed permanently and the land within the highway reinstated to verge/footway in accordance with the approved plans ref. 1897.02B, 1897.11C and 1897.10E received on 12 March 2018.

[To minimise the number of points of access, in the interests of highway safety; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

4. The access driveway hereby approved shall not be brought into use until it is fronted by a dropped kerb vehicular crossing.

[In the interests of highway safety; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

5. Prior to the new driveway being brought into use details of the species, spacing and sizing of the proposed hedgerow along the eastern boundary of the site shall be submitted and approved in writing by the Borough Council. This new hedge shall be planted in the first planting season following the new access being brought into use and shall be allowed to grow to 1.9m and thereafter maintained at a height not lower than this for the lifetime of the development.

[To make sure that a satisfactory landscaping scheme for the development is agreed and implemented in the interests of the appearance of the area and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

6. The existing hedge located on the eastern boundary of the application site shall be retained at a height of no lower than 1.9m and any part of the existing and proposed hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species, within one year of the date of any such loss being brought to the attention of the Borough Council.

[The hedge is an important feature in the area and its retention is necessary to help screen the new development and to comply with policy GP1viii (Delivering Sustainable Development) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

AND

- (ii) It is RECOMMENDED that planning permission for relevant demolition of an unlisted building in a conservation area 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. This permission relates solely to the demolition of the section of wall identified in the submitted plans and only undertaken as part of the implementation of planning permission ref 17/03033/FUL.

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