

18/01543/FUL

Applicant Mr Liam Duggan

Location 14 The Rushes Gotham Nottinghamshire NG11 0HY

Proposal Demolition of garage, two storey side extension, and single storey front and rear extensions.

Ward Gotham

THE SITE AND SURROUNDINGS

1. The application relates to a two storey detached house with a relatively small gardens to front and rear, surrounded predominantly by other residential properties. The property has a gable ended roof and comprises predominantly brick with part render to the front elevation. This is common for the properties along this part of The Rushes. To the rear of the site is a scout hut. The property is within the Green Belt (Gotham is currently washed over).

DETAILS OF THE PROPOSAL

2. It is proposed to extend the property with a two storey extension to the side of the property measuring 7.5 metres in length, 3 metres in width and 7.4 metres in height to the ridge with a hipped roof. The eaves height would be the same as the existing property. The extension would also incorporate a single storey element to the front with a depth of 2.1 metres, which would project 0.55m in front of the forward most part of the dwelling, and extend over the front door to provide a porch. The single storey rear extension would be 3.6 metres in depth, 9.3 metres in width and maximum height of 3.5 metres (2.3 metres to eaves). The proposal would provide additional bedrooms, en-suite, utility and day room. Materials proposed are brick and tiles to match existing.
3. The proposal involved the demolition of the garage at the side, which at the time of the site visit by the case officer, had already been demolished.
4. At the time of the site visit a detached building/structure at the rear of the site was being constructed but not forming part of the proposal. However, it has been established that this building is 2.4 metres in height and appears to comply with the criteria for 'permitted development'.

SITE HISTORY

5. Single storey front extension to extend garage and storm porch-79/07315/FUL. This application was approved.

REPRESENTATIONS

Ward Councillor(s)

6. The Ward Councillor (Cllr Walker) has declared an interest in the application.

Town/Parish Council

7. Gotham Parish Council object to the application and comment; *“The proposed extension by reason of its size and siting represents an unneighbourly form of development that would have an adverse impact on the amenity of neighbouring properties by reason of an overbearing effect. For example, the side extension will be built out within 300mm from the neighbouring property and the front extension is beyond the building line. There is concern that the bar, built out from the bottom of the garden wall, is too large and involves a drainage gutter and down pipe onto the neighbour’s driveway. This could cause an obstruction to heavy vehicles visiting the Scout Hut to collect heavy items, such as the Scout marquee etc.*
8. *In addition to these valid reasons for objecting to this Application we would make you aware of the following:*
 - 1) *There has been the most blatant disregard of planning regulations the Gotham Parish Council has ever encountered.*
 - 2) *Work on the footings for the side extension began on 29th June 2018 when the kitchen and garage had already been demolished. The planning application for the extension was not submitted to RBC until 30th June 2018.*
 - 3) *Fences and walls were demolished with shrubbery from the whole garden ripped out (during the bird breeding season). A neighbour’s 250-year-old wall was taken down which destroyed an established border of shrubbery on her side. No prior contact was sought with the neighbour in question.*
 - 4) *Neighbours have reported foul language over the time the site has been excavated and feel intimidated by the applicant. Noisy work has commenced before 8.00 a.m. in the morning.*
 - 5) *Another neighbour was not given the necessary 6-week warning under the Party Wall Act.*
9. *I hope that RBC will act upon the above comments and concerns about this disrespectful behaviour in the right and proper manner, as expected by the Parish Council.”*

Statutory and Other Consultees

10. No statutory consultees are required to be consulted for this application. No comments have therefore been received.

Local Residents and the General Public

11. Representations have been received from the owner/occupier of the adjacent property objecting to the proposal on the following grounds:
 - a. Loss of light to back garden and bathroom.
 - b. Would create wind tunnel.

- c. Upset the balance of properties on the road.
 - d. Foundations may go deeper than their property which is a Party Wall Act issue.
 - e. Lack of off-street parking.
12. 9 written representations have been received supporting the application and making comments which can be summarised as follows:
- a. The proposal will provide suitable accommodation for the needs of the family.
 - b. The family will be a huge addition to the village.
 - c. Don't understand the issues raised by the Parish Council.
 - d. There have been no issues or noise complaints from the builders.
 - e. The proposal is similar to other recent proposals in the area.
 - f. There were initial concerns due to a lack of communication, they were never of a planning issue and are now resolved.

PLANNING POLICY

13. 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 Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) and the Rushcliffe Borough Residential Design Guide (2009). In addition, Gotham Parish Council are in the process of producing a Neighbourhood Plan, however, this does not yet have the status as 'formally submitted' and carries little weight.

Relevant National Planning Policies and Guidance

14. The relevant national policy considerations for this proposal are those contained within the 2018 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.
15. It should be ensured that the development satisfies the criteria outlined under paragraph 127 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development.
16. In line with paragraph 130 of the NPPF, 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

17. Policy 1 of the Core Strategy sets out the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
18. The proposal is considered under Core Strategy Policy 10 (Design and Enhancing Local Identity). Development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development should be assessed in terms of the criteria listed under section 2 of Policy 10, and of particular relevance to this application are 2(b) whereby development should be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.
19. Whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan should be given weight as a material consideration in decision making. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria), specifically GP2d, whereby development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered, and should not lead to an over-intensive form of development.
20. The 2009 Rushcliffe Residential Design Guide implies that the style and design of any extension should respect that of the original dwelling and should not dominate over it. Extensions should be designed so that they are not readily perceived as merely 'add-ons' to the original building and therefore scale, proportion, and roof form are very important.

APPRAISAL

21. The extension would have a hipped roof at the side which would sit comfortably within the existing main roof. The roof of the extension would have a lower ridge height than the original dwelling and the extension would be set back at first floor level, so it would have a subordinate appearance to the existing house. It would also be set away from the boundary with the neighbour at number 12 The Rushes by 0.9 metres (with a similar distance between the boundary and side wall of No.12) so there would be no potential for a 'terracing effect'. The property sits on a relatively formal building line of four properties however, given that the extension would only project at single storey 0.5 metres at the front it is not considered that it will have a significant impact on the building line or street scene generally. The materials proposed are to match the existing house which is acceptable. Overall it is considered that the proposal would not have a significant or unacceptable visual impact.
22. The side elevation of the neighbouring property does not contain any principal windows. Plans for this property, submitted in connection with an application for a two storey side extension, appear to indicate that two small windows at ground floor level serve a stairway and cupboard, or are secondary windows to rooms served by other windows to the front and rear

of the building, and the first floor window serves a bathroom. The two storey extension would not project to the rear of the neighbouring property so as to have any impact on the principal rear windows to this neighbour. The two storey extension would be located away from other neighbouring residential properties. The extension achieves the recommended 10 metres separation distance to the rear boundary as set out in the SPD - Rushcliffe Residential Design Guide, albeit the land to the rear is occupied by a scout hut. The single storey rear extension is set away from the boundary with neighbouring properties and at 3.6 metres in depth is a reasonable size for a rear extension to a detached property. There are ground floor side windows proposed which should be obscure glazed through a condition to prevent any potential privacy issues to neighbouring properties. The front extension is set away from the principal front windows to neighbouring properties. Overall it is considered that the proposal would not have a significant or unacceptable impact on residential amenity.

23. The garage which was demolished was small and not of a suitable size to accommodate modern vehicles. The front extension projects slightly out from the front of the property however, a driveway with a length of 5.5 metres would be retained. This would be of a sufficient length for a vehicle to park safely off street.
24. The property has a relatively small rear garden. The detached building that is being built taken together with the extensions will take up a large part of the garden space. However, it has been established that the detached building would appear to be permitted development and would in itself provide amenity space. In addition if the rear extension was built on its own at this depth of 3.6 metres this would also not require permission providing it only projected from the rear of the existing part of the house. The detached building and the single storey extension taken together would still take up less than 50% of the properties rear garden space. There would be no loss of amenity space to the side as this was where the garage was situated. So whilst the amount of amenity space being retained is not ideal it is not a reason enough to refuse the application.
25. In terms of other matters, many of the additional points raised in the objection from the Parish Council (as set out in paragraph 8 of this report) do not amount to material planning considerations. The Party Wall Act is not administered or enforced by the Borough Council and any failure to comply with the provisions of this legislation would amount to a civil matter between the applicant and their neighbours.
26. Whilst it is unfortunate that work has already started before gaining planning consent, this is not a criminal offence although it is carried out at the owner's risk. The Borough Council does not condone situations where work commences in advance of the grant of planning permission, however, this does not give rise to a reason for refusal and the application must be considered on its planning merits. This is the same for the removal of any trees, hedges or shrubbery.
27. There were no pre-application negotiations and, therefore, no advice was offered prior to submission of the application. However, there were no problems during the course of processing the application and, therefore, no reason to contact the applicant.

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, site plan; Drawing No. 1 – Elevations and Sections and Drawing No. 2 – Floor Plans, dated June 2018.

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

3. The materials specified in the application shall be used for the external walls and roof of the development hereby approved and no additional or alternative materials shall be used.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

4. The ground floor windows and glazing to the door to the utility room in the side (east) elevation of the proposed development shall be permanently obscure glazed to group 5 level of privacy and no additional windows shall be inserted in this elevation without the prior written approval of the Borough Council.

[To prevent overlooking and loss of privacy to neighbouring property and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]