

17/02907/FUL

Applicant Mr & Mrs A Hill

Location White House, Nicker Hill, Keyworth, Nottinghamshire, NG12 5EA

Proposal Erection of a detached, one-bedroomed dwelling with integral garage.

Ward Keyworth And Wolds

THE SITE AND SURROUNDINGS

1. The application site forms part of the residential curtilage of The White House, a large detached post-war property set within large gardens to the east side of Nicker Hill on the most easterly edge of the settlement of Keyworth.
2. The application site is bound by agricultural fields and Green Belt land to the north-east. To the north-western boundary is a detached two storey dwelling and gardens to The Orchard constructed in the late 1970's. To the south-east is a large detached property (Green Gable) similar in footprint and scale to The White House.
3. The prevailing pattern and density of development along Nicker Hill is large individually styled detached dwellings set within large plots with deep frontages and elongated gardens, laid out in linear form within spacious surroundings. One exception to the prevailing form of development within the immediate site context is Firs Farm, which is located beyond the neighbouring property (The Orchard), which contains a frontage dwelling (Firs Farm) and a converted barn (Rivendell) to the rear.

DETAILS OF THE PROPOSAL

4. The application seeks full planning permission for the erection of a large one bedroomed two storey dwelling to be located within the rear garden of the existing property (The White House) positioned and orientated at a perpendicular angle to that of both neighbouring properties. The proposal would require the demolition of an existing detached garage and construction of a replacement garage to the south side of The White House, together with a new access on to Nicker Hill which would serve the existing dwelling. The proposed dwelling would be accessed via the existing vehicular access with a 50m long access drive located between The White House and The Orchard.
5. The design of the proposed dwelling is contemporary in style with a shallow mono-pitched roof to be externally faced in white render with zinc or zinc coloured membrane overhanging roof and with aluminium fenestration. The proposed dwelling would measure 6.1m to the highest point of the mono-pitched roof with the scale reducing through various subsections of the building, dividing elements of accommodation between the main living space which includes the first floor bedroom suite, a conservatory and garage wing at ground floor.

6. The proposal seeks to subdivide the curtilage across the rear of the site with an area of rear curtilage to be retained for the host dwelling measuring approximately 264 square metres, with 360 square metres for the proposed dwelling, divided by a 1.8m close board fence.

SITE HISTORY

7. Application ref: 8/U1/83/D/956 - Erection of detached dwelling (outline) – REFUSED July 1983
8. Application ref: 8/U1/83/D/992 - Erect detached dwelling (outline) – REFUSED July 1983.
9. Application ref: H2/85/1680/P - Erection of two storey side extension – Approved November 1985.
10. Application ref: 04/00836/FUL - Erection of single storey extensions. (Front and rear) – Approved July 2004.
11. Application ref: 13/01525/FUL relates to a neighbouring site located on the west side of Nicker Hill immediately opposite the application site, however, the determination and subsequent appeal decision (APP/P3040/A/13/2209696) is considered to be a relevant material consideration in the determination of this application. The application proposed the construction of three residential properties which included the provision of a dwelling laid out partly in back-land form. The application was refused on grounds of harm to the character and appearance of the area and impact on the amenity of existing and future occupants. The subsequent appeal was dismissed.

REPRESENTATIONS

Ward Councillor(s)

12. One Ward Councillor (Cllr Inglis) supports the application and has provided the following comments:
13. *“Mr & Mrs Hill have made a genuine need application to build a dwelling in their garden for them to reside in, which would be suitably designed to their future needs. They have no desire to move from this location and see this as an ideal solution to see out the rest of their lives.*
14. *My initial reaction from the ‘paper’ assessment, also by referring to the addition plans for a new separate drive to The White house, and with no contrary representations, was the same conclusion as the Keyworth Parish Council in having no objections to the proposals.*
15. *I was subsequently invited to a site meeting. Having then viewed the actual plot for any possible negative effect to the neighbours I could still see no reason for objection in regards to intrusion or an overbearing effect, loss of light or loss of privacy. The proposed landscaping would also compliment the development and relationship of the two dwellings.*

16. *I have been made aware that the Officer's current decision would be not to grant permission. I would like to make the following observations in support of my none objection for that decision to be reviewed in relation to the outlined refusal suggestions.*
17. *Nicker Hill is generally considered an area of large individual styled detached dwellings in large plots when actually there are several smaller, narrower plots, as to The Orchard next door, The Starlings and The Croft just a few doors down. I do not consider that the proposed layout would conflict with the prevailing pattern of development in the area as each property is unique and offers no uniformity or pattern, especially the immediate area as the application only reflects a previous permitted development in next door but one, with the infilled/back land placement of Rivendell behind Firs Farm which is also accessed by just a drive from the road with no frontage. Although the plans for these are now archived it has a similar topography; except the proposed dwelling is offset and angled to the host, rather than immediately behind so it still affords a view to the rear of the host dwelling with no overlooking windows. I consider that the precedence was set when Rivendell was permitted. There is no well-defined building line along Nicker Hill.*
18. *The White House will remain in a proportional plot. The new development would be subservient to it. Future residents of the White House will still enjoy the characteristics of the dwelling and will have the choice to reside there.*
19. *Nicker Hill has a strong community spirit as has been demonstrated in recent planning applications. I am not aware of any such action for this proposal. The permitted development at Rebbur House and garden dwellings, immediately opposite the White House, has changed the profile of Nicker Hill in that more affordable living accommodation will become available. I believe that this proposal would complement such in the longer term.*
20. *To summarise:*
 1. *No negative effect or impact to current residents or neighbouring dwellings in relation to loss of privacy, light, overbearing or noise. The plot offers the opportunity for tandem development with the divided plot sizes suitable for each dwelling.*
 2. *The proposal is of good design to minimise any impact.*
 3. *No conflict with the prevailing pattern of development.*
 4. *The new dwelling would complement and offer more affordable housing in conjunction with recent consent for Rebbur House and garden dwellings opposite.*
 5. *Precedence is already set with the Rivendell back land development."*

Town/Parish Council

21. **Keyworth Parish Council** raise no objection

Statutory and Other Consultees

22. Nottinghamshire County Council as Highway Authority is of the opinion that the proposed development will not have a significant detrimental effect on the operation of the adjacent Highway. Therefore, subject to the standard access

conditions contained within their standing advice being applied, they have no objection to the proposal.

Local Residents and the General Public

23. Two letters have been received from both neighbouring properties stating that they have no objection to the application.

PLANNING POLICY

24. The Development Plan for Rushcliffe comprises of the Local Plan Part 1 - Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996.
25. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006). 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 where still in compliance with the NPPF. Furthermore, the Keyworth Neighbourhood Plan passed independent examination on the 19th February 2018, subject to a number of recommended modifications.

Relevant National Planning Policies and Guidance

26. 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”.*
27. 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

28. None of the 5 saved policies of the Rushcliffe Borough Local Plan are applicable to this proposal.
29. 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 within the NPPF. Policy 3 states that the settlement hierarchy for Rushcliffe firstly consists of the main built-up area of Nottingham and then the key settlements identified for growth. Keyworth is identified as a settlement for growth and is to provide a minimum of 450 dwellings within or adjoining the settlement during the current plan period up to 2018. 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.
30. Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan is concerned with issues of design and amenity and the effect of proposals on neighbouring properties. Policy HOU2 sets out the circumstances in which planning permission will be granted for unallocated development within settlements. This includes where the development of the site would not extend the built-up area of the settlement nor would it “...*detrimentally affect the character or pattern of the surrounding area...*”
31. On the 19th February 2018 The Keyworth Neighbourhood Plan passed independent examination subject to a number of recommended modifications. The Neighbourhood Plan at this stage, therefore, carries moderate weight. Policy H3 of the Neighbourhood Plan is particularly relevant in the determination of this application. In relation to the design of new development, the policy states that new development should reinforce character and identity through locally distinctive design and architecture, and integrate well with the surroundings.
32. Consideration should also be given to supplementary guidance provided within the ‘Rushcliffe Residential Design Guide’.

APPRAISAL

33. The key issues in the determination of this application are the principle of residential development on this site, the design and impact on the character of the area, the impact on existing and future occupants’ residential amenity, highway safety and parking.

Principle of Development

34. The principle of development for a single residential dwelling in this location is guided by Policy 3 of the Core Strategy which states that the settlement of Keyworth is a Key settlement for growth envisaged to provide a minimum of 450 homes within and adjoining the settlement over the current plan period up to 2028.
35. The site is considered to be located within the built up area of the settlement and as such, the principle of development is acceptable.

Design and Impact on the Character of the Area

36. This part of Nicker Hill is broadly characterised by large detached properties set within large deep plots with elongated curtilages, spacious surroundings and wide frontages laid out in linear form with a consistent depth. Dwellings are individual in character but the scale, size of plot and depth of frontage remain consistent along this section of Nicker Hill. The low density pattern of spacious development contributes to the distinctive character of the area.
37. Policy 10 of the Core Strategy requires that all new development should be designed to make a positive contribution to the public realm and sense of place which will be assessed in terms of:
 - a) Structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces; and
 - b) Impact on the amenity of occupiers or nearby residents.
38. The proposed new dwelling, due to its position and orientation, would constitute backland development with an uncharacteristic layout and a form of development that would and alter the clearly defined pattern of built development, creating a subdivided plot and property significantly deeper in the plot than the surrounding residential properties. The resultant impact would fail to promote or reinforce the distinctive characteristics of the area and would, therefore, be detrimental to the character and appearance of the area. There is, therefore, a fundamental objection to the development on this basis which cannot be overcome.
39. Reference has been made to other forms of back-land development that exist within the locality. Each case should be determined on its merits, however, the Inspector in the determination of the appeal at 108 Nicker Hill accepted that there are some examples of 'back-land' development elsewhere along Nicker Hill, but concluded that these developments did not justify the approval of further development which would cause the harm identified. Furthermore, the development of a dwelling at Rivendell was for the conversion of an existing barn structure, and therefore was not a new form of physical development.
40. The proposal includes the laying out of an alternative access to serve the host dwelling. It is not considered that this element of the proposal would cause unacceptable harm to the character and appearance of the area by virtue of the depth of the verge and the minimal loss of frontage hedgerow.

Residential Amenity

41. Whilst it is acknowledged that the current occupiers of both adjoining neighbouring properties raise no objection to the proposal, the local planning authority is required by paragraph 17 of the NPPF to secure a good standard of amenity to existing and future occupants.
42. The proposal if approved would see an approximately 50% reduction in the amount of curtilage space to the existing property. The existing dwelling to be retained would have a 12m depth of rear garden which reduces to less than 8m at various sections owing to the shape of the curtilage and the orientation

of the proposed dwelling. The distance between the existing and proposed dwelling would be 9.8m at its closest point increasing to 21m at the furthest point. The proposed dwelling would be sited 2.75m from the nearest neighbouring boundary (The Orchard) and 2m from the proposed boundary between The White House and the proposed dwelling.

43. The design and orientation of the proposed dwelling broadly addresses any privacy concerns due to the considered positioning and design of windows on interfacing elevations between the proposed dwelling and existing neighbouring properties, in addition to screened areas to provide private outdoor seating for the proposed dwelling. However, the close proximity of the proposed dwelling to the rear elevation of the host dwelling (The White House), and the northern boundary shared with The Orchard gives rise to other concerns; specifically loss of outlook, overbearing impacts and loss of light, in an area whereby occupiers typically enjoy a greater degree of space between properties and as such, a greater standard of amenity.
44. The bulk and scale of the proposed dwelling if approved would be overbearing due to its cramped position in close proximity to the boundaries shared with The White House and The Orchard, comparative to the otherwise spacious arrangement of surrounding properties. This close relationship would be further detrimental to the outlook of the neighbouring properties which have enjoyed a good standard of amenity due to the spacious characteristics of the area as a result of the established pattern and form of development along Nicker Hill.
45. The scale and position of the dwelling located due south of the boundary shared with The Orchard would also result in overshadowing to a large proportion of the rear garden of this neighbouring property, particularly during early evenings and during winter months when the sun's projection is at a lower angle in the sky. The proposal would also, therefore, result in unacceptable overshadowing to the garden of The Orchard.
46. The proposed location of the dwelling beyond the rear elevations of The Orchard and The White House also gives rise to the potential for additional noise and disturbance being harmful to the amenities of the neighbouring occupiers. Vehicular movements and other noise and activity associated with a domestic dwelling in such close proximity and from within the otherwise quiet rear garden areas would be harmful to the amenity of the occupiers of The White House and The Orchard. The proposal would therefore be contrary to the provisions set out in Policy 10 of the Core Strategy and GP2 of the Non-statutory Replacement Local Plan which seek to preserve the amenity of existing and future occupiers.

Highway Safety and Parking

47. It is proposed to utilise the existing access drive from Nicker Hill to serve the new dwelling, which is approximately 50m in length positioned between The Orchard and The White House. It is also proposed to create a new access to serve the existing dwelling and the construction of a new detached garage to the side (south) elevation to serve the proposed dwelling following removal of the existing detached garage in order to facilitate the extended access drive to serve the proposed dwelling.

48. The proposal would provide adequate space for parking and turning for both the existing and proposed dwellings and, therefore, there is no objection to the proposal on this basis.
49. Nottinghamshire County Council as Highway Authority raises no objection to the proposal. Should the application be approved, standard conditions should be imposed requiring full details of the access to be submitted to and approved.

Conclusions

50. Whilst the NPPF aims to boost significantly the supply of housing, this is set within the overarching principle of encouraging sustainable development. The core planning principles set out in the NPPF include having regard to the character of different areas and securing a good standard of amenity for existing and future occupants. The proposal would conflict with these principles and would not therefore constitute sustainable development. In any case, the adverse impacts of granting planning permission in this case would significantly and demonstrably outweigh the benefits. Accordingly the application should be refused.
51. The proposal was the subject of pre-application discussions. There is a fundamental objection to the development of which the applicant was made aware prior to submitting an application. It is considered that this cannot be overcome through negotiation. The applicant has been made aware of the situation in writing and in order to avoid the applicant incurring further abortive costs, consideration has not been delayed by discussions which cannot resolve the reasons for refusal.

RECOMMENDATION

It is RECOMMENDED that planning permission be refused for the following reasons:

1. The existing property at Nicker Hill (White House) currently enjoys a generous amount of amenity space, which is in keeping with the spacious character of development in the surrounding area that is generally characterised by properties situated within sizeable, elongated curtilages. The proposed development of a single, two-storey dwelling sited between and behind the existing frontage development, in the layout shown would result in a poorly laid out, cramped and over-intensive form of development, which would not respect the character, pattern and density of development in the surrounding area. The backland form of development proposed would detrimentally affect the pattern of development in the surrounding area and create a precedent for similar inappropriate development. The proposal would therefore be contrary to Policy 10 of the Core Strategy which states that:

All new development should be designed to make a positive contribution to the public realm and sense of place which will be assessed in terms of:

- a) Structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces; and:

- b) Impact on the amenity of occupiers or nearby residents.

The proposal would also be contrary to Policy HOU2 of the Rushcliffe Non-Statutory Replacement Local Plan which states that planning permission for new, unallocated development will be granted provided, inter-alia, that:

- a) The size and location of the site is such that its development would not detrimentally affect the character or pattern of the surrounding area or the settlement as a whole.

The adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits and the proposal would also be contrary to guidance in the National Planning Policy Framework.

- 2. The proposed development would result in adverse impacts on the living conditions of occupiers of The White House and The Orchard by way of the scale, bulk and position of the proposed dwelling in relation to site boundaries, resulting in overbearing and overshadowing impacts, and due to increased noise and disturbance from activity associated with its occupation.

The proposal is therefore considered to be contrary Policy GP2 a) of the Rushcliffe Borough Non Statutory replacement Local Plan 2006 which states: planning permission for new development will be granted provided that, where relevant, the following criteria are met:

- a) There is no significant adverse effect upon the amenity, particularly residential amenity, of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated;
- 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. They should not lead to an over-intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy and should ensure that occupants of new and existing dwellings have a satisfactory degree of privacy.

The adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits and the proposal would also be contrary to guidance in the National Planning Policy Framework.