

18/02111/FUL

Applicant Dr W M K Amoaku

Location 22 Wasdale Close West Bridgford Nottinghamshire NG2 6RG

Proposal Change of use from open amenity space to private garden space.

Ward Gamston South

THE SITE AND SURROUNDINGS

1. 22 Wasdale Close is a large detached property constructed from red brick with concrete interlocking tiles to the roof. The property is located on a large corner plot with Wasdale Close to the south east and Scafell Close to the south west. A private driveway serving 3 further properties (2; 4 & 6 Scafell Close) runs to the western boundary. The house itself is located within a wider residential area that consists of larger detached properties set back from the road with open green frontages, a notable characteristic.
2. The application site is orientated with the front elevation of the property facing south east towards the road whilst the corner plot location provides an unusually large frontage. There is an original detached double garage to the front of the house, located off centre to the plot and located directly south of the dwelling, this is accessed from Wasdale Close via the driveway which provides two off street parking spaces. The property has a modest rear dormer with a pitched roof and a small conservatory to the rear elevation built in line with the eastern (side) elevation of the house. It is also noted that the works approved in 2017 (17/01731/FUL) for a single storey rear extension, two storey side extension and front porch are largely complete, awaiting internal fit out.
3. To the south and west of the existing garage is an open grassed area containing 5 trees that falls within the applicant's ownership but has no boundary with the footpath or private access from the dwelling.

DETAILS OF THE PROPOSAL

4. This application seeks permission for a change of use of part of the open amenity space to the south west of the dwelling into private residential gardens, with associated fence movements and landscaping to follow the new (enclosed) boundary.
5. The existing approved boundary and fence line to the south west side of the house sits some 1.25m from the external south western wall of the dwelling, running parallel to the house up to the side of the detached garage. It is proposed to move this fence line out a further 0.8m to the north westernmost extent, 1m out where adjacent the house and 1.7m out where adjacent the garage, with the new fence to match existing in terms of height (circa 1.8m height). On the external south western side of the fence a replacement Pyracantha hedge would be planted. The proposed fence line would extend around half the width of the garage, stopping some 2.6m short of the garages

external south eastern (side) elevation. The land within the fence line is proposed to be used as private residential grounds.

SITE HISTORY

6. The application property was first constructed under permission of a 1994 reserved matters scheme that formed part of the wider Gamston development area. Since then a 2006 application (06/01726/FUL) for alterations and extensions to the roof in the form of a full width flat roofed dormer were refused by reason of the extension being out of character with the locality. The existing small dormer was confirmed as permitted development in 2007 (07/00983/FUL). In 2017 an application for a single storey rear extension, two storey side extension and front porch was permitted by planning committee (17/01731/FUL). There is no further planning history for the site.

REPRESENTATIONS

Ward Councillor(s)

7. One Ward Councillor (Cllr Cooper) objects in principle to the development as it proposes encroachment onto open ground public amenity space.

Statutory and Other Consultees

8. Nottinghamshire County Council as Highways Authority responded to the consultation only to state that no observations from the highway authority are required.
9. The Landscape and Design Officer does not object, noting the specification is one usually seen for native hedgerow planting and is therefore more intensive than perhaps required for Pyracantha.

Local Residents and the General Public

10. 3 public comments were received, all objecting to the development proposal. The grounds for objection can be summarised as follows:
 - a. The application proposes further encroachment onto open space which will have a negative impact on the general character of the area.
 - b. The proposed hedge could overhang the driveway and therefore obstruct the view of and access to the neighbouring property (2 Scaffell Close).
 - c. If the fence and hedge are moved out further compared to the original plans then this will restrict vehicular access to the garages and parking spaces at 6 Scaffell Close.
 - d. The architect's plans are not accurate enough to reflect the encroachment on to open land.
 - e. Loss of public amenity open space.

- f. The original 2017 approval included a 0.5m incursion into the open space, and now an additional 1m is sought, this is without regard to the neighbours it will affect.
- g. The architect's plans are completely misleading as the plans show a 0.5m deep hedge where existing, whereas it is indeed 1.7m deep. This will make a major difference to the extent to which any fence/hedge move will take up land to the left of the plan.
- h. The plan also shows a large amount of area as being free on the left hand side but the line drawn on the far left is inaccurate.
- i. The left hand side of the plan should show the shared access drive, which is very close to the retained hedge in the top left corner and continues in this basic direction, cutting through the area described above.
- j. It can be observed/measured on site that if the fence is allowed to move not 0.5m but 1.5m, and then a 1.7m hedge is replanted, the hedge will overhang the shared driveway in a considerable manner and make access to the properties it serves much less easy. The hedge may be planted close to the road and may cause root damage.

PLANNING POLICY

- 11. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the Rushcliffe Local Plan Part 1: Core Strategy.
- 12. Other material considerations include the National Planning Policy Framework (NPPF) (Revised 2018), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non Statutory Replacement Local Plan (NSRLP) (2006).
- 13. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

Relevant National Planning Policies and Guidance

- 14. The NPPF (Revised 2018) contains the presumption in favour of sustainable development. Sustainable development has 3 overarching objectives; economic; social and environmental.
- 15. Section 12 - 'Achieving Well Design Spaces' of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that planning policies and decisions should ensure that developments, inter alia:

- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Relevant Local Planning Policies and Guidance

16. Under the Rushcliffe Local Plan Part 1 - Core Strategy, there are two policies that relate to the proposal. 'Policy 1: The Presumption In Favour Of Sustainable Development', states "*When considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.*" The proposal should also be considered under Policy 10; 'Design And Enhancing Local Identity' which states that all new developments should be designed to make a positive contribution to the public realm and reinforce valued local characteristics.
17. The Rushcliffe Borough Non-Statutory Replacement Local Plan was adopted in December 2006 and although the Core Strategy has since been adopted, its policies still hold weight as a material consideration in the decision making process. The relevant policy from this document is GP2 - Design and Amenity Criteria. This Policy states that planning permission for new development, changes of use, conversions or extensions will be granted provided that the scale, density, height, massing, design, layout and materials of proposals are sympathetic to the character and appearance of neighbouring buildings and the surrounding area; that they do not lead to an over-intensive form of development; and that they are not overbearing in relation to neighbouring properties, and do not lead to undue overshadowing or loss of privacy.

APPRAISAL

18. The main issue in the determination of this application is whether the partial enclosure of the parcel of land in question and the associated change of use would have a detrimental impact on the character and appearance of the area as a whole and whether it raises any residential amenity concerns or highway safety issues.
19. With regard to amenity, the location of the feature would be set well away from the closest neighbours to the south and west of the site with a minimum separation distance of some 10m from the closest property at 6 Scafell Close. The proposed new fence incorporating replacement Pyracantha hedge planting would, therefore, not be considered to raise any undue amenity concerns.
20. In relation to design and character, it is acknowledged that Gamston was developed with a comprehensive soft landscaping scheme which now contributes to the definable character and appearance of the area. The site occupies a prominent corner location and the open grassed and landscaped area undoubtedly contributes positively to the character of the locality.

21. The scheme as proposed does not seek to enclose all of this area, but a small section, within the existing tree line. The open space area that wraps around the garage has an area of circa 150 sqm, with the proposed area the subject of this application for a change of use, inclusive of the small 0.5m area previously approved under the 2017 application, taking an area of circa 17.5 sqm.
22. The new fencing line would retain the publically visible trees to the external areas, maintaining their contribution to the character of the public realm. It is also considered that the limited size of the area and limited extent to the south east would ensure views from the surrounding roads and footpaths across the open space would not be unduly infringed upon.
23. Although the Ward Councillor's 'in principle' objection to the change of use is noted, there is no single policy specifically protecting open spaces from 'in principle' changes. The assessment of this proposal must be considered in relation to material planning considerations and in this case lies in an assessment of scale and degree, considering whether the proposed alterations would have a demonstrably harmful impact on the character and appearance of the locality.
24. Given the considerations above, it is not considered that the development currently proposed would cause any demonstrable impact to the character and appearance of the area. This conclusion is reached in noting the larger proportion of green space retained, the location of the existing trees within the space which are to be retained within the public realm and not enclosed, and the size, scale and shape of the land to be enclosed which is set back from the key and prominent southern corner, not infringing upon key vistas across the corner plot. A landscaping proposal would also ensure any scheme would blend into the surrounding environment.
25. From a highway safety perspective, the highways authority confirmed they had no comments to offer on the matter. In considering the impact on the access to the neighbouring properties, it should be noted that the shared access for 2, 4 & 6 Scafell Close pulls away from the hedge line to the south. The main access to the shared drive would not be impacted by the proposed change of use and fencing/hedge planting given its location further to the south west of the proposed site. Although the works would undoubtedly bring the fence and hedge closer to the shared driveway at the north western fringe, this would not be on a corner where visibility is limited and it is not considered that this would cause any disturbance to vehicles using the drive.
26. In terms of landscaping, the new hedge proposed would be above and beyond the specification normally required for such a feature in terms of numbers of plants. However, this would not be a detrimental factor and it is not considered the unusual specification would be one worthy of raising any additional concern over. It is further noted that this landscaping scheme was previously agreed under application reference 18/01192/DISCON for the originally approved fence line and extension works. In conclusion it is considered the planting scheme would be appropriate, and should be secured by condition.

27. A neighbour has commented in relation to the accuracy of the proposed plans, suggesting that they contain some inaccuracies. The site and plans have been checked carefully by officers and no errors have been identified with the proposals. The red line plan is more difficult to interpret given the Ordnance Survey base surveys however the 'Landscape Survey' site plan is considered to accurately represent the site situation. The only note for this plan is that the western boundary does not indicate the true size of the green space as it cuts out part of the land (outlined in blue) which forms part of the open space. Given the measurements from the side of the house and the location of the trees this does not provide any obvious grounds for misinterpretation.
28. Overall, and following careful consideration of the proposal, it is considered that the development would successfully respect the character of the area and not cause any undue harm to the open public character of the area. After examining the above proposal and assessing it against the policies set out in the development plan for Rushcliffe, the scheme is considered acceptable and it is recommended that planning permission is granted.
29. The proposal was subject to pre-application discussions with the applicant and agent and advice was offered on the measures that could be adopted to improve the scheme and/or address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice, reducing delays in the consideration of the application and resulting in the recommendation to grant planning permission.

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 plan:

Landscape Drawing - 'GA267/10B' - received on 06/09/2018.

[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 landscaping scheme as detailed on the approved 'landscape drawing - GA267/10B' shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[In the interests of amenity and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

Notes to Applicant

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.