

17/02936/FUL

Applicant William Nuthall

Location 5 Harby Lane, Colston Bassett, Nottinghamshire, NG12 3FJ

Proposal Demolish existing garage and construct two storey side extension.

Ward Nevile And Langar

THE SITE AND SURROUNDINGS

1. The application site is located within the main built up area of the rural settlement of Colston Bassett. The application property forms one half of a pair of modern 20th century semi-detached houses, it is part of a group of four such houses located towards the south eastern edge of the settlement. A private rear garden occupies the northern half of the site, located to the rear of the house. A further garden area and driveway, providing off street parking is located at the front of the house, to the south of the plot. Vehicle access is provided off Harby Lane which adjoins the southern boundary of the site. A detached flat roof garage is located at the side of the house, adjacent to the western boundary. There is a timber fence approximately 1.2m high located along this boundary and a low hedge located along the front boundary with Harby Road.
2. The site is bounded to the north east by open countryside. There is a detached house located to the west of the site, Manor Farm Cottage. The application site and its neighbours are located within Colston Bassett Conservation Area. Although the property is a 20th century addition to the village, it makes a neutral contribution, Manor Farm Cottage is identified as a building which makes a positive contribution to the overall special architectural and historic character of the conservation area.

DETAILS OF THE PROPOSAL

3. The proposal is an amended scheme to demolish the existing detached garage and construct a two storey side extension.
4. The proposed extension would be set back in the site, its rear elevation would be level with the rear elevation of the existing garage. It would measure 9.8m in length and 4.7m in width with a height to the eaves of 4.8m and 6.6m in height to the ridge. The roof would be dual pitched with a rear gable and a front hip. The design of the dormer window has been amended so that the window is located within the gable of the extension rather than below it. The ground floor would be constructed in brick with either render or timber cladding on the upper floor and the roof would be concrete tiles to match the existing.

SITE HISTORY

5. Planning permission 84/01419/T1P was granted for the demolition of existing dwellings and the erection of 4 houses but was not implemented.

REPRESENTATIONS

Ward Councillor(s)

6. The Ward Councillor (Cllr Combellack) objects to the application on the following grounds:
 - a. The extension would compromise the neighbours' amenity and create overshadowing.
 - b. The block plans don't correctly show the position of the neighbouring property.
 - c. The extension would be disproportionate to the existing cottage and constitutes overdevelopment.
 - d. The extension is to one of a group of post war cottages, the extension will alter the historic character of the village and impact on the street scene.

Town/Parish Council

7. Colston Bassett Parish Council object to the application and comment, *"Following lengthy consideration, including around the planning history of the site, the size and location of the planned development, the characteristics of the site and the core messages contained within the evolving Neighbourhood Plan the Council unanimously RESOLVED to OBJECT to this application on the Material Grounds of: overshadowing, the size of the new development, the planning history along this part of Harby Lane & a designation to protect special characteristics within the Conservation Area (vis; preservation of smaller, lower-bedroomed housing) that is also in line with the developing (Colston Bassett) Neighbourhood Plan."*

Statutory and Other Consultees

8. The Borough Council's Conservation and Design Officer does not object to the application. In summary he comments the property is a 20th century addition to the village of no significant historic interest and its architectural contribution is modest, broadly fitting with the scale and form of buildings and not substantially departing in terms of construction materials. Given the size of the existing garage, planning permission for Relevant Demolition of an Unlisted Building within a Conservation Area is not needed. In terms of the proposed extension, the lower height of the roof combined with its hipped design and its set back from the front elevation of building will give the proposal a considerably lower apparent height when viewed from the street. Dormer windows particularly half dormer windows are found in the area. The proposed dormer appears to have been added for purely decorative reasons, he suggests either the header height of the window is raised to sit within the dormer or the dormer window is removed. One benefit of the window is that it breaks up the hipped roof which is not a common feature within the conservation area. He suggests timber cladding is a less desirable material as it is not a prominent local material. Subject to a materials condition and minor design adjustment to the dormer window he is of the view that *"the proposal would preserve the special architectural and historic character and*

appearance of the conservation area, with the host property continuing to make a broadly neutral contribution to the character and appearance of the area and not detracting from the positive contribution made by its neighbour. The proposal would therefore achieve the objective described as being 'desirable' within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 of preserving the special architectural and historic character and appearance of conservation areas."

Local Residents and the General Public

9. No comments have been received in response to the site notice displayed and consultation letters sent to neighbours.

PLANNING POLICY

10. 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

11. 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.*"
12. 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.*"
13. 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.*"

14. 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

15. None of the 5 saved policies of the Rushcliffe Borough Local Plan are applicable to this proposal.
16. 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.
17. 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).
18. Consideration should also be given to supplementary guidance provided in the 'Rushcliffe Residential Design Guide' and 'Colston Bassett Conservation Area Character Appraisal and Management Plan'. Colston Bassett was designated as a neighbourhood area on 15 November 2016 to enable the Parish Council to prepare a Neighbourhood Plan, so far no policies are available.

APPRAISAL

19. According to the submitted design and access statement the property is a post war property which was refurbished in the 1980's. It appears that the refurbishment works were extensive, including a replacement concrete tile roof and pitched roof open porch on the side elevation which gives the

property a more modern appearance. It is noted that the Design and Conservation Officer considers the property is “*of no significant historic interest and its architectural contribution is modest, broadly fitting with the scale and form of buildings and not substantially departing in terms of construction materials.*” The existing garage is of no architectural or historic merit and is of a size below the threshold requiring planning permission for relevant demolition for an unlisted building within a conservation area.

20. The scale of the proposed extension has been raised as a concern by Cllr Combellack and the Parish Council. The proposed extension would have a footprint larger than the existing detached garage but less than the original house. The property is located within a large plot and the proposal would not result in a large proportion of it being covered by buildings, it is not therefore considered overdevelopment. The proposed extension would be set in from the site boundaries by a minimum of 1.5m and the eaves of the extension would be located adjacent to the shared boundary with the neighbouring residential property Manor Farm Cottage. In combination, it is considered that these factors would prevent the proposal from having an overbearing impact on the neighbouring property.
21. The planning agent has indicated that the habitable room created by the proposal would be about 50% of the existing house excluding the garage. As a result of the 2.6m set back from the front elevation and 0.6m drop in the ridge height, it is considered that the proposed extension would appear subordinate to the original house when viewed from the street. Although it is very finely balanced for the reasons outlined above it is considered that the proposed extension would not be disproportionate in scale over and above that of the original house.
22. The materials suggested in the Design and Access statement include either render or timber cladding on the upper floor. Render is a material used within the settlement and, therefore, is considered to be more appropriate. The ground floor would be constructed of red brick and the roof would be concrete tile to match the existing.
23. The dormer window breaks up the hipped roof which is not a common feature within the conservation area and is considered acceptable in principle. The design of the dormer window has been altered so that the window is located within the gable of the dormer extension. This has given the dormer a functional, rather than a purely decorative appearance which is welcomed.
24. Subject to the elevations to the upper floor of the extension being finished in render rather than timber cladding, which could be secured by condition, it is considered that the character and appearance of the conservation area would not be harmed. As such, the proposal achieves the aim described as desirable within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as it would preserve the character and appearance of the Conservation Area.
25. The proposed extension would be located to the east of the neighbouring house, Manor Farm Cottage. It would be located a minimum of 1.5m and a maximum of 5.4m from the shared boundary with this neighbour and 6m from the side elevation of their property. There are no habitable room windows in the rear elevation of Manor Farm Cottage immediately adjacent to the site. A

living room window in the side elevation adjacent to the shared boundary is secondary to a window located in the property's south facing front elevation. A plan showing sunlight tracking for the site has been submitted, it shows that the proposed extension would lead to some limited overshadowing of Manor Farm Cottage early in the morning up to about 8am. For these reasons it is considered that the proposal would not lead to undue overshadowing or loss of light.

26. The proposal would project out from the rear elevation of the existing house but would be located almost 8m from the shared boundary with the adjoined house, 7 Harby Lane. Ground floor windows in the side facing elevation would be screened from the neighbour by the existing boundary fence. A first floor window serving a landing would need to be obscure glazed and fitted with a top light opening only to prevent undue overlooking of this neighbour. A first floor window serving a bathroom would be located in the north-west elevation 2.5m from the shared boundary with Manor Farm Cottage. Again this window would need to be obscure glazed and fitted with a top light opening only. Conditions have been suggested for inclusion to ensure this.
27. It is considered that the proposal would not lead to undue harm to the residential amenity of the neighbouring properties, including undue overshadowing, overlooking and loss of privacy in accordance with the aims of RNSRLP policy GP2.
28. A concern has been raised by Cllr Combellack that the block plans don't correctly show the position of the neighbouring property. The Agent has confirmed in writing that the plans are accurate and they appear to match up with Ordnance Survey plans and aerial photos of the site.
29. A concern raised by the Parish Council is that the proposal would result in a loss of smaller homes, which is contrary to their neighbourhood plan. Colston Bassett Neighbourhood plan is still in the initial stages of development, a draft document has not yet been submitted for consultation. Therefore, it cannot be afforded any weight. In addition, the proposal would only result in a net increase of one additional bedroom, an increase from 3 to 4 (one of the existing bedrooms would be lost to create access through from the original dwelling).
30. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and to respond to 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.

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 amended plans ref. 239/03, 04A and 07 received on 27 February 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 development hereby permitted shall not continue beyond the level of the damp proof course until details of the facing and roofing materials to be used on all external elevations, which shall incorporate render to the first floor elevations, have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.

[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]

4. The opening element of the windows at first floor level in the north west and south east elevations of the proposed extension shall limited to the top half of the windows which shall be top hung opening only and the whole of the window shall be fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, the windows shall be retained to this specification. No additional windows shall be inserted in these elevations 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]