

18/02305/FUL

Applicant Mr C Chambers

Location 2 Bishops Road Bingham Nottinghamshire NG13 8FZ

Proposal Two storey side extension.

Ward Bingham West

THE SITE AND SURROUNDINGS

1. The application relates to an end of terrace two storey dwelling, probably c.1950's. It is of traditional construction being pale brown brick with a dark concrete tile roof. It is located within an established residential area of Bingham in a housing estate of similar dwellings.

DETAILS OF THE PROPOSAL

2. The proposed extension would be two storeys joined to the side of the original dwelling. It would have ridge and eaves height to match those of the existing dwelling and would extend the full depth of the side elevation with a width of 3.4m. It would be constructed of materials to match the existing dwelling.

REPRESENTATIONS

Ward Councillor(s)

3. One Ward Councillor (Cllr J Stockwood) has objected to the proposal stating that "*the design is out of keeping with the character of the street scene of this well-planned and uniformly designed estate.*" Councillor Stockwood also stated "*I wish there to be a thorough consideration of the concerns of the neighbour regarding the impact on the residential amenity of the property to the north*".

Town/Parish Council

4. Bingham Town Council do not object to the proposal

Local Residents and the General Public

5. The neighbour at 19 Hill Drive objects to the proposal (via a relative) on the following grounds:
 - a. The overwhelming negative implications of the proposed plans.
 - b. Oppressive, would block all but the earliest and latest sun in the day.
 - c. Nowhere else on the estate is there such overwhelming development or extension to the original properties.

- d. If this planning application is approved a dangerous precedent could be set.
 - e. The loss of parking space.
 - f. Boundary positioning concerns.
6. A resident at 1 Thorseby Road commented; *"The elderly lady whose property borders this proposed development is my very good friend; this development would seriously affect her access to light if it was a double storey build. Please can someone visit her property before any decision is taken and ensure that her needs are not ignored, as it is causing her considerable distress."*

PLANNING POLICY

- 7. 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.
- 8. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) and the Rushcliffe Residential Design Guide.
- 9. 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

- 10. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development and states that housing applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should approach decision on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible. There are three dimensions to sustainable development: economic, social and environmental.
- 12. Paragraph 130 of the NPPF 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

- 13. The proposal falls to be considered foremost under The Rushcliffe Local Plan Part 1: Core Strategy. Under Core Strategy Policy 1, a positive and proactive approach to planning decision making should be taken that reflects the presumption in favour of sustainable development contained in the National

Planning Policy Framework. The proposal should also be 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. The development should be assessed in terms of the criteria listed under section 2 of Policy 10, specifically 2(b) whereby the proposal 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.

14. None of the 5 saved policies of the Rushcliffe Borough Local Plan 1996 apply to this application.
15. Whilst not part of the development plan, 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) of the Rushcliffe Non-Statutory Replacement Local Plan. Of particular relevance is GP2 section d, 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.

APPRAISAL

16. The dwelling at 2 Bishops Road is set at a 90° angle to the adjacent dwelling to the north-west at 19 Hill Drive with the end (north) elevation of the proposed extension facing the side garden of 19 Hill Drive. At no point do the dwellings directly face each other at first floor level. There are existing single storey rear extensions at 2 Bishops Road but these have little impact on 19 Hill Drive given the existing boundary treatment and their relatively short projections.
17. The proposed extension would bring the gable end of 2 Bishops Road 3.4m closer to the boundary with 19 Hill Drive. There are no windows proposed in the side elevation of the extension, which would be the new gable end, therefore, over-looking towards 19 Hill Drive would be reduced as the existing windows in the side elevation would disappear.
18. New first floor windows are proposed in the front and rear of the extension and it is considered that these would have a similar impact to the existing first floor windows in the property and not create unacceptable additional overlooking towards nearby properties adjacent and opposite.
19. The adjacent dwelling at 19 Hill Drive forms the corner of Hill Drive and Bishops Road along with the application site. 19 Hill Drive has a ground floor lounge window and back door on the rear elevation and landing and bathroom windows at first floor. The reception room window in the rear elevation of the property is located on the western side of that elevation, meaning that there would still be a view down the garden of the property, towards the rear garden of the application site, i.e. the window is not directly in line with the proposed extension. All other windows are on the side and front elevations. Given the secondary nature of the lounge window (the

lounge also having a window on the front elevation), and the non-habitable rooms the first floor windows serve, the impact to these features can only be afforded limited weight.

20. The ground levels in the area rise upwards slightly from Hill Drive, with the dwellings on Bishops Road being on higher ground level, and it is accepted that this does exacerbate the effect of the proposed extension. However, the extension would be adjacent to the side garden of 19 Hill Drive which fronts Bishops Road and not directly facing its rear elevation or rear garden.
21. Being on a corner plot 19 Hill Drive has a larger than average overall garden area in this locality and there is a 2m high close boarded fence separating the side garden from the smaller more private rear garden. In terms of amenity, the comments made on behalf of the adjacent neighbour have been carefully considered and it is clear that they have concerns regarding the possible over-bearing nature of the development, especially on the small area of rear garden.
22. The case officer visited 19 Hill Drive to view the application site from this adjacent property and observed that there would be some impact on the amenities of 19 Hill Drive, however, the evaluation must take into account the severity of this impact and consider whether a refusal of permission would be justified and could be defended at appeal, should the application be refused on amenity grounds.
23. There is already development at 2 Bishops Road at ground floor level up to the boundary with 19 Hill Drive in the form of an existing single garage. This garage would be removed and replaced with the proposed extension. The consideration should therefore be how much the addition of a first floor impacts on the neighbouring dwelling.
24. The extension will of course make a difference to the wider outlook from the rear of 19 Hill Drive but it would not be directly opposite the rear windows or rear garden. 2 Bishops Road lies south east of 19 Hill Drive which may result in the extension creating some additional over-shadowing towards the rear in the morning but towards the afternoon and evening the sun would be to the west and any shadow would fall towards the side garden and away from the rear garden of 19 Hill Drive, towards Bishops Road.
25. This is a very finely balanced application and the concerns of the neighbour are abundantly clear. However, given the above it is not considered that the proposed two storey side extension as submitted would cause unacceptable additional overshadowing or create undue overbearing impacts towards the neighbouring dwelling so as to substantiate a reason for refusal.
27. In terms of design and effect on the street scene, the property is situated on the end of a terrace of three dwellings on a wedged shape plot. The existing house does not have any distinctive architectural quality, and is undoubtedly of its time and in keeping with the surrounding neighbours. The development as proposed would create a more prominent dwelling but would not be out of character with the identifiable built form in the area and being the end dwelling of a row of three there would be no terracing issues.

28. The proposed relationship between 2 Bishops Road and 19 Hill Drive would not be unique within the area as a similar relationship exists opposite the application site, between 1 Bishops Road and 17 Hill Drive. In this case, however, the relationship is potentially more overbearing as the side elevation of 1 Bishops Road (as originally constructed) is almost directly opposite the rear elevation of 17 Hill Drive, not offset as the proposed relationship would be. Clearly, a planning application is assessed on its own merits, however, it would perhaps be unjust to refuse an application on the grounds of an overbearing relationship when a not dissimilar, and potentially more negative relationship exists not only within the area but immediately opposite the application site.
29. The extension does not include any garage provision to replace the garage being lost, however, there would still be an off-road car standing space in the front garden of 2 Bishops Road as at present.
30. Concerns and comments regarding the positioning of the boundary have also been made on behalf of the neighbour but these are not planning matters. However, a note to the applicant should be included on any decision notice, should members be minded to grant planning permission, regarding works on or near land they do not own.
31. The applicant's agent has been approached during the application process with regard to reducing the size of the extension with the aim of alleviating the concerns of the neighbour at 19 Hill Drive but the applicant chose not to amend the scheme. Notwithstanding this dialogue, the scheme is considered acceptable and it is recommended the application be approved.

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(s): 024.04A rev B and 024.06a rev B.

[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 extension(s) hereby permitted shall be constructed in suitable facing and roofing materials to match the elevations of the existing property.

[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].

Notes to Applicant

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.

The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice about whether the proposed work falls within the scope of this Act.

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.