

18/02226/FUL

Applicant Miss K Wholey

Location 48 Hill Drive Bingham Nottinghamshire NG13 8GA

Proposal Single storey rear extension.

Ward Bingham West

THE SITE AND SURROUNDINGS

1. The application relates to a mid-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 have a 'staggered' floor layout comprising a bedroom with a shower-room offset at one corner. It would be constructed of materials to match the existing dwelling and would have a flat roof 2.8m high. It has been designed in such a way as to accommodate the present and future needs of a person with movement difficulties.

REPRESENTATIONS

Ward Councillor(s)

3. One Ward Councillor (Cllr Purdue-Horan) objects to the proposal stating; *"Whilst I appreciate what the applicant may be seeking to achieve and do not object in principle to the overall design, I am concerned that the western side of the extension is too close to the boundary and is over-bearing on the neighbour's property."*
4. One Ward Councillor (Cllr J Stockwood) has declared an interest in the application and, therefore, offers no comments.

Town/Parish Council

5. Bingham Town Council object to the proposal, stating; *"The Council is supportive of the need to create an enhanced living arrangement at this property. However, it feels that the plans in their current form are over-bearing in nature, to one neighbour in particular; which could lead to issues relating to the practicalities of maintenance down the line."*

Local Residents and the General Public

6. The adjacent neighbour at 50 Hill Drive objects to the proposal but not on planning grounds. They raise concerns regarding building close the boundary and future maintenance of the extension.

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 main bedroom part of the extension would be 170mm from the boundary with no. 50 Hill Drive to the west. The extension on this side would project 4.1m from the rear of the dwelling. There is a window at ground floor level in the rear elevation of no. 50, the centre of which is 2m from the boundary. The extension does not pass the 45° guide when applied to this window, however, a permitted development extension with a 3m projection would not pass either and the 45° guide is only a starting point for evaluation and other factors should also be considered. Furthermore, the Design Guide indicates that the 45 degree guide should be applied for extensions with two storeys or higher or where there is a significant change in level.
17. The boundary with 50 Hill Drive consists of a 2m high close boarded fence which would already cause some overshadowing towards no. 50. The orientation of the terrace of 5 dwellings to which no. 48 and no. 50 are part of is west - east, no. 48 being to the east of no. 50. Given this orientation there may be some additional over-shadowing from the extension towards no. 50 in the mornings but towards mid-day and afternoon/evening shadows would fall away from no. 50.
18. The 'off-set' part of the extension would be on the north-eastern corner and it would form the shower-room. It would project a further 3.9m from the bedroom section. Its off-setting gives a distance of 2.5m from the boundary with no. 50 to the west and 1.8m from the boundary with no. 46 to the east. The windows in the shower-room would be obscure glazed and top opening only, confirmed by the applicant's agent and on revised plans submitted in respect of the proposal.
19. The orientation of the dwellings would mean that any afternoon/evening shadow would fall towards and over the rear garden of no. 46. However, given the distance from the boundary of the bedroom section at 3.5m and the bathroom section of 1.8m it is considered any harm from over-shadowing would be minimal. A flat roof helps minimise the impact on adjacent dwellings.
20. Double glass doors giving wheelchair access to the garden and one small additional window are proposed in the bedroom. Given the existing boundary treatments it is not considered that these would lead to unacceptable over-looking or loss of privacy.
21. The concerns of the owner of 50 Hill Drive have been noted, however, access for construction and subsequent maintenance and works on or near a

boundary are not material planning considerations and carry no weight in the consideration of the application. Nevertheless, these concerns are recognised and it would be prudent to include notes to the applicant regarding boundary matters on any forthcoming planning permission.

22. Although an unorthodox floor plan, the proposed extension has been designed to be purely functional and meet the applicant's needs. It would not be visible from the public realm and would have no impact on the street scene. As extensions can lawfully be built up to and on a boundary without planning permission, on balance, the proposal as submitted is considered to be acceptable.
23. The application was not the subject of pre-application discussions and the agent was approached to see if any amendments were possible to address the concerns of the neighbour regarding the proximity of the extension to the boundary but no amendments have been made and the proposal has been assessed on the plans as submitted.

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 18/2 rev E03 and email from the agent regarding the shower room windows dated 1 November 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 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.