

# 18/02578/FUL

**Applicant** Mr Bolton

**Location** Land South West Of 98 Nicker Hill Keyworth Nottinghamshire

**Proposal** Proposed erection of new dwelling.

**Ward** Keyworth And Wolds

## THE SITE AND SURROUNDINGS

1. The application relates to an area of land in use as garden land comprising low level grassland at the rear of the host property at number 98 Nicker Hill, a large detached property. The site is bounded by residential properties with the proposed access located in between numbers 182 and 184 Mount Pleasant. The site is bounded by timber fencing to the front and side with a temporary mesh fencing currently separating it from the garden of the host property. The proposed plot is roughly rectangular in shape and measures approximately 680sqm.

## DETAILS OF THE PROPOSAL

2. It is proposed to construct one detached dwelling with 4 bedrooms. The height to the eaves is proposed at 4.6 with the height to the ridge proposed at 6.9 metres with a gable ends to front and rear. Materials proposed are larch and rendered walls with grey slate roof tiles. The design of the proposed dwelling includes a large glazed gallery/landing area to the first floor front elevation with similar glazed feature and Juliet balconies to the rear elevation. Trees have been removed prior to the submission of the application. The proposal is accompanied by a design and access statement.
3. The proposed access would be from Mount Pleasant in between number 182 and 184. The proposal would utilise the existing driveway serving number 184 Mount Pleasant and the plans show replacement parking for this dwelling alongside the driveway on an area presently laid to grass. The front boundary fence would be removed to provide the driveway access. The property would have a large front parking area. An amended site plan showing the turning area for vehicles on the front driveway has now been provided.

## SITE HISTORY

4. An application to erect bungalow gaining access by a) driveway of 184 Mount Pleasant or b) jointly using driveway of 182-184 Mount Pleasant (outline) (app no (81/00007/SOUTH) was approved in April 1981.
5. There have been applications to extend the host property at number 98 Nicker Hill none of which are directly relevant to this particular application.

## REPRESENTATIONS

### Ward Councillor(s)

6. One Ward Councillor (Cllr Edyvean) objects to the application as there are a number of issues the application doesn't overcome. The access will severely limit the driveway with the house on Mount Pleasant restricting its parking area available. The design of the house is out of keeping with the houses on Mount Pleasant, which are all modest semi detached properties. The positioning of the proposed development will have an adverse impact on adjacent properties being overbearing and intrusive. Whilst every application is treated in isolation this application appears similar to the application on Nicker Hill, 17/02907/FUL which was refused. The applicant has already started to clear the site and has removed a number of mature trees, which is highly regrettable even though no Tree Preservation Order was in place.

### Town/Parish Council

7. Keyworth Parish Council does not object to the proposal but they did raise concerns over the plan which does not accurately reflect the boundary with number 182 or the width of the driveway.

### Statutory and Other Consultees

8. The Council's Landscape Officer commented that they were all set to make a Tree Preservation Order on the Silver Birch, however, on closer inspection it had decay in the lower trunk so its removal was appropriate. At the time of the meeting on site, the tree surgeon stated the trees on the boundary would be retained. There is a line of Beech trees along the boundary with number 184 Mount Pleasant which were presumably planted as a hedge that look a little sparse but with careful pruning and gapping with young plants, a dense beech hedge could be created. There is little information on the construction of the driveway other than using a permeable surface. To minimise the risk of root damage a no dig or reduced dig would be required. If consent is granted a condition for details of construction, layout and levels of hard surfaces will be needed. Tree protection during construction will be really important as retained trees are in locations at greatest risk from construction activities.
9. The Nottinghamshire County Council as Highway Authority state vehicle crossing is located on the outside of the bend where vehicle speeds are likely to be low. They do not envisage the access arrangement will change this situation and therefore do not raise any objection subject to a condition for the access driveway to be surfaced in a bound material for a distance of 5 metres behind the highway boundary and drained to prevent the discharge of surface water.
10. The Environmental Sustainability Officer accepted there is no requirement for an ecology survey. The site is likely to have use for foraging and roosting birds and bats and other common fauna. The proposal site is unlikely to have a material impact on the favourable conservation status of protected species. He recommends a series of suggestions for net gain of biodiversity for the site.

## **Local Residents and the General Public**

11. A letter in support of the application has been received on the grounds that the design will be aesthetically pleasing and that people should take more care in driving in relation to highway safety. It is assumed that the property would not have an open sewage system.
12. A total of 20 objections have been received making the following points:
  - a. The trees that were felled hosted a variety of wildlife.
  - b. Increased surface water run off.
  - c. The access exits on a sharp bend, compromised by on street parking resulting in reduced visibility and additional traffic thereby reducing safety.
  - d. Access to the site should be from Nicker Hill.
  - e. It would force more people to park on the road.
  - f. There would not be enough space to fit 2 cars outside 184 Mount Pleasant.
  - g. Increase in traffic.
  - h. Noise, dust, pollution and dirt.
  - i. Overbearing and loss of light to neighbouring properties.
  - j. Overlooking and loss of privacy to neighbouring properties.
  - k. Not in keeping with the existing houses on Mount Pleasant.
  - l. The area has many children, their safety cannot be safeguarded as a result of this development.
  - m. The scale of the proposed development is too large for the size of the plot.

## **PLANNING POLICY**

13. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as 'Core Strategy') and the 5 saved policies of the Rushcliffe Borough Local Plan 1996. Keyworth also has a Neighbourhood Plan which forms part of the Development Plan when considering applications in the Keyworth area. Other material planning considerations include the National Planning Policy Framework (NPPF) and the Rushcliffe Borough Non Statutory Replacement Local Plan (2006).

## **Relevant National Planning Policies and Guidance**

14. The relevant national policy considerations for this proposal are those contained within the 2018 National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. The proposal falls to be considered under section 12 of the NPPF (Achieving well-designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 127 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 130 of the NPPF, 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. Paragraph 109 adds that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual impacts on the highway network would be severe.

## **Relevant Local Planning Policies and Guidance**

15. Policy 1 of the Core Strategy sets out that the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
16. The proposal is 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. Development shall be assessed in terms of the criteria listed under section 2 of Policy 10, and of particular relevance to this application are 2(b) whereby development 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.
17. Policy 3 (Spatial Strategy) promotes sustainable residential development through a policy of urban concentration. A settlement hierarchy for the District has been identified in order to achieve this. Keyworth is a Key settlement identified for growth.
18. Whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory are a material consideration. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria) specifically GP2d, 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.
19. Policy HOU2 (Development of Unallocated Sites) states that planning permission on unallocated sites will be granted provided that; there is no harm to the character or pattern of development; it would not extend the built up area; it would not have an adverse visual impact; it would not result in the

loss of buildings capable of conversation and worthy of retention; it is not in the open countryside; the site is in an accessible location.

20. The Keyworth Neighbourhood Plan was adopted in October 2017. Policy H1 gives general support to infill and redevelopment schemes in that applications for infill or on previously developed sites within the settlement boundary will be approved subject to other development plan policies and provision of suitable vehicular access.
21. The Rushcliffe Residential Design Guide states that rear gardens should be at a depth of 10m to the boundary, and garden sizes should be 110sq m for detached properties.

## **APPRAISAL**

22. Located within an established residential area in the built up area of Keyworth, the principle of the development is acceptable subject to issues over residential amenity, visual amenity, trees and highway safety. The proposal would make a small contribution to the Boroughs housing supply.
23. Due to the orientation of the property on a corner plot the principal windows to both neighbouring properties at 182 and 184 Mount Pleasant face away from the siting of the proposed dwelling. The proposed dwelling would avoid a 45° line taken from the principal rear windows to both neighbouring properties and would avoid any significant loss of light and outlook. The dwelling would be sited approximately 5 metres away from the boundary at the closest point to the neighbour at 182 Mount Pleasant and approximately 6 metres away from the boundary at the closest point from the neighbour at 184 Mount Pleasant. This is a significant distance from the boundary and, given that the orientation and relationship of the proposed dwelling with the neighbouring properties, located to the north of 182 Mount Pleasant and east of, and alongside the gable end to 184 Mount Pleasant, it is considered that the proposal would not result in significant or unacceptable overshadowing or overbearing impact to these neighbours. The proposal is located approximately 50 metres away from the rear of the host property at 98 Nicker Hill, which is a significant distance. At around 500sqm, the area of private amenity space is well in excess of the minimum specifies in the Rushcliffe Residential Design Guide. The dwelling would not sit square on the plot, although the distance between the rear wall and the boundaries generally exceed the 10 metres specified in the Design Guide and the relationship with neighbouring gardens would be acceptable and avoid any unacceptable overlooking or loss of privacy.
24. The plot forms part of the garden to 98 Nicker Hill, which has a large garden and would still retain an area well in excess of the minimum requirement of 110 square metres of amenity space and would still benefit from the generous amount of amenity space that properties along Nicker Hill enjoy. It is not, therefore, considered that the proposal would represent over development of the site.
25. The proposed dwelling would be viewed through the space between 182 and 184 Mount Pleasant and, therefore, form part of the street scene on Mount Pleasant, which is characterised by predominantly brick built, semi-detached 1970s houses with gable ended roofs. The design, materials used and style

would differ from these properties. The house has been designed with a low profile roof form, and would be lower than the adjacent property at No. 184, and being set back from the street would not dominate or be overbearing in the street scene when viewed from Mount Pleasant. Located on the corner and set back from the street the proposal would only be visible at certain points on Mount Pleasant. It would not disrupt the formal building line set out by the existing properties. The property would not be viewed from other location such as from Nicker Hill due to its size, distance away from that road and intervening structures. The use of Larch is not a traditional material, however, it is considered acceptable in this location. The use of render is also an acceptable material and there are examples of properties in the area, including on Mount Pleasant Road, which incorporate render in the external finish. Overall there is no objection to the design and appearance of the proposed property and it is not considered that the proposal would have a significant visual impact on the street scene.

26. Many of the objections raised relate to parking and highway safety. The proposal seeks to obtain land used as part of the parking area to 184 Mount Pleasant. The proposal would result in a narrower driveway for number 184 Mount Pleasant. This is not ideal, however, it is considered that it would still be possible to provide at least two off street parking spaces for No. 184 and parking within the site for the new dwelling. The proposal would provide a large parking/turning area to the front which can accommodate at least two off street parking spaces. The proposal would result in a long driveway to the property. The applicant has provided additional details demonstrating that it would be possible for vehicles to turn within the site and, therefore, enter and leave in a forward direction. This is an improvement and would prevent vehicles reversing down the long driveway in between the driveways of 182 and 184 Mount Pleasant and exiting onto Mount Pleasant in reverse. In addition, Mount Pleasant is a quiet road with low vehicular speeds. It is not considered that the level of traffic likely to be generated by a single dwelling would have a significant impact on the highway network in the area or would be likely to result in any highway safety issues. A condition is recommended that the access driveway is surfaced in a bound material for a minimum distance of 5 metres beyond the highway boundary. Overall the Highway Authority do not raise an objection and, whilst concern has been raised in written representations, it is not considered that a reason for refusal on highway safety grounds could be justified or sustained at appeal.
27. Trees had been removed from the site prior to submission of the application, including a prominent Silver Birch. The Tree Officer visited the site at the time and it was found that the Silver Birch had decay in the lower trunk so its removal was appropriate. On the western boundary of the site, alongside 184 Mount Pleasant, is a line of Beech trees which will be retained. There is little detail in relation to the construction of the driveway and, to minimise root damage to retained trees, a no dig solution is recommended for the driveway. A condition is recommended to provide control over construction, layout and levels of hard surfaces. Tree protection during the construction period will be important as the retained trees are in locations where they will be at greatest risk from construction and a condition is recommended that the trees to be retained are protected during the construction phase.
28. The few trees on the site contain no nesting birds or mammals and there are no badger setts in the site or surrounding gardens, therefore, no ecology

survey was required. It is not considered the proposal would have an impact on the status of European protected species if developed sensitively.

29. Councillor Edyvean makes reference to application ref: 17/02907/FUL which was for a new dwelling on Nicker Hill that was refused. As Cllr Edyvean acknowledges, each case is treated on its own merit.
30. Overall, it is considered that the proposal is acceptable and would have a minimal impact on visual amenity, highway safety and residential amenity, subject to the conditions set out in the recommendation.
31. The application was subject to pre-application discussions resulting in amendments to the height (reduction) and position of the dwelling. Furthermore, additional information was sought during consideration of the application to ensure that adequate turning for vehicles could be provided on site to enable vehicles to enter and leave the site in a forward direction. As a result of this process, the scheme is considered to be acceptable and it is recommended that planning permission is granted.

## **RECOMMENDATION**

It is RECOMMENDED that planning permission be granted subject to the following conditions:

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 plans ref no. location plan and 2018-05-002 received on 07/11/2018 and revised plan ref no. 2018-05-001 received on 10/12/2018.  
  
[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 materials specified in the application shall be used for the external walls and roof of the development hereby approved and no additional or alternative materials shall be used.  
  
[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].
4. Prior to occupation of the dwelling, the windows in the first floor side elevations of the proposed dwelling shall be permanently obscure glazed to Group 5 level of privacy, with top light opening only, and no additional windows shall be inserted in these elevations without the prior written approval of the Borough Council. Thereafter, the windows shall be retained to this specification.

[In the interests of residential amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

5. No operations shall commence on site until the existing trees and/or hedges which are to be retained have been protected in accordance with details to be approved in writing by the Borough Council and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

[To ensure existing trees are adequately protected during the development and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. These details are required to be approved prior to work commencing on site to ensure that appropriate protection is in place prior to work commencing on site for the protection of the trees to be retained]

6. A 'no-dig' method of drive construction must be used in accordance with BS 5837:2012.

[To ensure the protection of trees, which are to be retained in order to enhance the development and visual amenities of the area and to comply with policy GP1 viii (Delivering Sustainable Development) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

7. Before the dwellings hereby approved are occupied, the private drive access shall be constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway. The provision to prevent the discharge of surface water to the public highway shall thereafter be retained for the life of the development.

[To prevent surface water being discharged onto the public highway in the interests of highway safety and to comply with Policy GP2 (design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

8. Occupation of the proposed dwelling shall not take place until the access driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

[In the interests of highway safety and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

9. Prior to work commencing on site a full specification for the construction of any parking/turning areas and driveways shall be submitted for the approval



of the Borough Council. The submission shall include details of a no-dig specification and extent of the parking/turning areas and driveways to be constructed using a no-dig specification and relevant sections through them. Thereafter, the development shall be undertaken in accordance with the approved details.

[To ensure existing trees are adequately protected during the development and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. These details are required to be approved before work commences on site to ensure that the development does not adversely impact on trees to be retained]

10. Prior to occupation of the approved dwelling, provision shall be made within the site for a minimum of two parking spaces to serve 184 Mount Pleasant. Thereafter, the parking spaces shall be retained in accordance with the approved details for use by that property.

[To ensure appropriate level of access and parking is retained for the dwelling (184 Mount Pleasant) and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

## **Notes to Applicant**

The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins.

The following British Standards should be referred to: BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations.

In the interest of wildlife, good practice construction methods should be adopted including:

- Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted (care should be taken when dismantling log piles).
- All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
- Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.