

18/01405/FUL

Applicant Mr Ashley Murdock

Location 5 Pendock Court Tollerton Nottinghamshire NG12 4FN

Proposal 2 Storey side extension

Ward Tollerton

THE SITE AND SURROUNDINGS

1. The application relates to a modern two storey detached dwelling that is part of a residential development of 5 dwellings approved in 2010 (10/00883/FUL). The site is within a residential area of Tollerton and is located in a backland position with access from Bentinck Avenue via a shared private drive. The dwelling is located in a broadly triangular plot with the main private garden to the west side of the dwelling, this garden tapers to the west. The dwelling is faced in a light red brick with a dark grey tiled roof. The frontage has a forward-projecting two storey gable. There is a detached double garage to the east side of the dwelling, this has a pitched roof with facing materials to match the dwelling. There is a paved area to the front of the garage providing two parking spaces. The boundary treatment along the side and rear boundaries of the site consists of a timber fence approximately 1.8 metres high, with a matching height brick wall with pillars and fencing along the front boundary between the garden and shared drive.

DETAILS OF THE PROPOSAL

2. The application seeks planning permission for a two storey side extension that would link into and replace half of the existing detached garage. The extension would measure 4.15 metres in width, 7.4 metres in depth with a pitched roof forming a side gable measuring 4.6 metres to the eaves and 7.35 metres to the ridge. The frontage would have a forward projecting ground floor bay window and a half dormer first floor window. There would be an obscure glazed first floor window to the rear. The facing brick and roof tiles would match the existing.

SITE HISTORY

3. 06/01125/FUL- Erection of 8 detached dwellings with associated access. Refused in 2006
4. 07/00785/FUL- Erection of 5 detached dwellings. Granted in 2007
5. 10/00883/FUL- Five dwellings (revised proposals). Granted in 2010

REPRESENTATIONS

Ward Councillor(s)

6. One Ward Councillor (Cllr Mason) objects to the proposal. When the site was under development, No. 5 was not allowed to be any larger which was agreed with. There are now too many changes of roof height which would not be aesthetically pleasing.

Town/Parish Council

7. Tollerton Parish Council objected to the originally submitted plans for the following reasons: "scale and mass overbearing on adjacent property". The application plans were revised and further responses were received from the Parish Council on 7 September and 4 October, both maintaining their objection.
8. Tollerton Parish Council submitted further comments on 8 November in response to the final set of revised plans, maintaining their objection.

Statutory and Other Consultees

9. Nottinghamshire County Council as Highway Authority do not object to the proposal, commenting that they do not consider that the additional block paving/parking would make a significant difference to the safe operation of the highway. They comment that there is a considerable amount of space for turning outside Nos. 1-4 and even with the loss of around 2.5m of the end of the tarmac leading to the garage for no. 5 it would appear there is still plenty of space available for turning, as such it is considered unlikely that delivery vehicles and the like will need to reverse all the way back onto Bentinck Avenue in order to exit the site.

Local Residents and the General Public

10. Three representations from neighbouring properties have been received objecting to the original set of application plans with the comments summarised as follows:
 - a. The proposal would impact upon the aesthetics of the court, resulting in a loss of its original feel and its cohesion within its surroundings.
 - b. Impact on character and appearance of the area due to the nature and scale of the application, a 5 bed property would be out of keeping.
 - c. The site was only developed 6 years ago, the matters considered in the original planning application remain valid.
 - d. Removal of turning head, impacting on deliveries and parking on the court. Unclear on the site plan whether the area identified for 2 new parking spaces actually belongs to No. 5, it is understood that the 7 m tarmac area identified in the plan is actually part of a shared driveway serving as a turning area.

- e. Would change original concept of the original development which was subject to lengthy discussions with the council regarding the number of dwellings, access, parking and positioning. Plot 5 was considered of insufficient size for a 5 bed dwelling.
 - f. Extensions would be incongruous and overpowering, detracting from the original layout and design of Pendock Court.
 - g. View from No.3 would be faced by a large brick wall and raised roof line.
 - h. The proposal would result in a brick wall 7.4 metres wide and 7.34 metres high close to the boundary with visual impact and loss of evening sun to No. 4.
 - i. Overintensive development, wide frontage would dominate existing balance and equal appearance of the 5 properties on Pendock Court.
 - j. The proposal would result in the parking spaces being built on, there would be only one garage space leading to on-street parking.
11. One neighbour made comments neither objecting to nor supporting the application. They commented that the development would overlook the back garden of 51 Melton Road and therefore all windows in the rear elevation should be obscure glazed including the small side window to bedroom 5.
12. One member of the public supports the application.
13. A set of revised plans were received on 7 September. Three objections were received from neighbouring properties with the comments summarised as follows:
- a. Repeat original objections, would still be faced with a high brick wall adjacent to the boundary to No. 4, the wall to second section would still be 7.4 metres high.
 - b. The change is insignificant, slight reduction in roof apex to end wall, negligible difference to No. 4, would create three difference roof heights that would detract from the original elevations of the property.
14. A further final set of revised plans were received on 8 October. Three objections were received from neighbouring properties with the comments as follows:
- a. Although slight reduction is welcomed, plot 5 is simply not big enough for a building of the size proposed, the property has already been built to the maximum size.
 - b. The proposal would still result in one off-road parking space, increasing parking on the shared access road.
 - c. The building would still be overintensive and overbearing.

- d. The reduction is only marginal and the increase in size and the style is not in keeping with surrounding area and the original concept.
- e. The parking issue has not been addressed.

PLANNING POLICY

- 15. 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 Rushcliffe Borough Non Statutory Replacement Local Plan (2006) and the Rushcliffe Borough Residential Design Guide (2009).

Relevant National Planning Policies and Guidance

- 16. The relevant national policy considerations for this proposal are those contained within the 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.

Relevant Local Planning Policies and Guidance

- 17. Policy 1 of the Core Strategy reinforces 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. The proposal should 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. Development should 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.
- 18. None of the saved policies from the 1996 Local Plan apply to this application.
- 19. 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(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

20. The plans which accompanied the original submission proposed a 7.4 metre wide two storey side extension that would have formed a 7.4 metre high side gable wall set a metre off the boundary with 4 Pendock Court. In light of concerns in relation to the scale of the extension and its proximity to No. 4, discussions took place with the agent and the proposals were reduced in scale through several iterations.
21. The final revised set of plans dated 8 October proposed a reduction in the width of the two storey extension to almost half the width of the original proposal. Half of the existing double garage, closest to the boundary with 4 Pendock Court, would be retained as existing.
22. As a result of the revisions, the proposed two storey side extension would be set away 4.3 metres from the side boundary with 4 Pendock Court and approximately 8 metres from the rear corner of the neighbouring dwelling itself.
23. With regard to residential amenity, as the extension would be to the north west of 4 Pendock Court, any overshadowing would be confined to the later part of the day. However, given the set-back position of the proposed extension from the common boundary, it is not considered that it would give rise to an unduly significant or unacceptable overshadowing of the rear garden to No. 4
24. Half of the existing garage would be retained which would help to reduce the prominence of the proposed two storey side extension when viewed from No. 4. Given the retention of this intervening section of garage, coupled with the set-back position of the proposed extension, it is not considered that there would be an undue overbearing or unacceptable impact on this neighbour.
25. With regard to the relationship with the neighbours to the rear at 53 Melton Road, the revisions made during the course of the application have substantially reduced the bulk of the rear wall. This neighbour has a long rear garden (approximately 45- 50 metres in depth) and the proposal would not affect the dwelling itself or the amenity area immediately to the rear of this dwelling. Given the location of this neighbour to the south, the proposal would not have a direct overshadowing impact.
26. With regards to privacy, the proposed extension would feature a first floor rear window although this would be obscure glazed. The first floor front bedroom window would not have a direct overlooking impact given the distance from the opposite facing property at 1 Pendock Court.
27. With regard to the intensity of development, the extension would in effect fill the space between the side of the dwelling and the detached garage. There would be no encroachment upon the usable garden space to the rear and west side of the dwelling and the property would retain a private amenity area of 133sqm, which is considered adequate for a property of the resultant size.

28. In terms of the overall built form, the originally submitted plans proposed a large extension that would have been tantamount in appearance to a new dwelling. The revised scheme appears as a notably more modest addition that would appear subservient to the original dwelling due to the set-back of the frontage and the lowered ridge height. The narrow width of the extension coupled with the set-back frontage relative to the dwelling and the further step back of the garage would help to break up the massing of the frontage.
29. It is not considered that the extension would detract from the character of Pendock Court. Nos. 1-4 Pendock Court are arranged as two pairs of fairly uniform detached dwellings located on the opposing sides of the cul-de-sac. The application property by contrast is located off a separate spur to the south west corner, and it is of a different built form with a front projecting gable and a detached garage to the side. It therefore appears, to a degree, as a standalone dwelling.
30. The extensions would be to the east side of the dwelling and, therefore, the works would be hidden from Bentick Avenue by the bulk of the existing dwelling. The development would not be prominent in the public realm
31. With regard to parking, the revised scheme would retain one garage space and one parking space on the existing block paved area to the front of this garage. The second parking space would be shifted forward 2.5 metres to accommodate the extension and the block paved area would, therefore, be extended forward accordingly.
32. Land registry documents show that the applicant owns half of the private drive running into Pendock Court plus the spur leading to their property. The proposed extended parking area would not, therefore, encroach upon land which they do not own.
33. Nottinghamshire County Council Highways were consulted on the revised parking arrangements. They consider that the loss of 2.5 metres to the end of the current tarmac drive leading to the garage of No. 5 would still retain plenty of space for turning, it is, therefore, considered unlikely that the proposal would result in delivery vehicles reversing back onto Bentinck Avenue in order to exit the site.
34. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers/to address concerns/objections 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 following approved plan(s): M.PC.02 Rev D (Proposed Plans), received on 8 October 2018; Site/ Block plan Rev A, received on 27 November 2018; and M.PC.P5 (Parking Plan), received on 30 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].

4. The first floor window in the rear elevation of the proposed development shall be permanently fixed shut and fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, the window shall be retained to this specification.

[To ensure a satisfactory development in the interests of amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

5. Prior to parking space 2 being brought into use it shall be surfaced in block paving in accordance with the details submitted on the Proposed Parking Plan (drawing number M.PC.P5)

[To ensure the satisfactory appearance of the development in accordance with Policy Gp2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]