

# 18/02494/FUL

**Applicant** Miss Jenny Bloor And Mr Gavin Dow

**Location** 8 Cherry Street Bingham Nottinghamshire NG13 8AJ

**Proposal** New two storey side extension, single storey rear extension.

**Ward** Bingham East

## THE SITE AND SURROUNDINGS

1. The application relates to a rectangular site containing a semi-detached house and detached garage. The application property is one half of a pair of semi-detached mirrored pairs. The buildings were built in the early to mid 20th century on land which had previously been an orchard at the rear of 67 Long Acre. The brick boundary wall to the front of 2 to 8 Cherry Street is greater in age, appearing to be part of the former orchard's boundary wall, although it has been reduced in height and modern copings added.
2. The walls of the property are predominantly rendered and the roof is covered with rosemary tiles. The detached garage is a timber structure located to the side of the property, behind its rear elevation. An existing vehicle access is provided off Cherry Street and a driveway is located adjacent to the south (side) elevation of the property. A private garden area is located at the rear, to the west of the property. The rear garden is predominantly bounded by a hedge.
3. The site is located towards the centre of Bingham, to the west of the junction of Cherry Street and Long Acre. A vehicle access drive serving residential properties on Long Acre runs alongside the sites southern boundary. To the rear of the site is a three storey residential development and associated car park.
4. The neighbouring property to the south, 67 Long Acre, is a grade II listed building and the property is located within the Bingham Conservation Area. Some fruit trees within the site once formed part of 67 Long Acre's orchard. The application property and associated group of semi-detached houses are not identified as a key unlisted buildings within the Bingham Conservation Area Townscape Appraisal.

## DETAILS OF THE PROPOSAL

5. The application seeks full planning permission for a two storey side extension, single storey rear extension and new access gates. The scheme has been amended to increase the set back of the extension from the front elevation of the original house by 500mm to a total of 1m. The width of two storey extension has also been reduced by 500mm from 4.8m to 4.3m.
6. The proposed single storey rear extension would project 4m from the rear elevation of the original house and span the full width of the proposed side

extension as well as half the width of the original house. It would measure 2.6m in height with a flat roof from the finished floor level and would include a glazed roof lantern.

7. The scheme has been amended to omit the widening of the vehicle access and new access gates.
8. A timber shed and two brick outbuildings located at the side and rear of the property would be demolished.

## **SITE HISTORY**

9. Joint planning application ref.18/02934/RELDDEM which sought permission for relevant demolition within a conservation area for the demolition of part of the front boundary wall has been withdrawn.

## **REPRESENTATIONS**

### **Ward Councillor(s)**

10. One Ward Councillor (Cllr Hull) objected to the original and amended scheme for the full application as well as the application for relevant demolition. In summary, she objects to the amended scheme on the grounds that changes have been made to the scheme but she does not consider the scheme is acceptable in close proximity to the Conservation Area. An extension of this magnitude would severely compromise the street scene of Cherry Street. The remaining semi-detached houses are of a period design, which compliments the surrounding area of the Church and Church Street. She does not believe that an extension which changes a building two thirds greater than the original should be accepted and objects on the grounds of size, scale and massing. She also states that the existing damage to the front boundary wall has been pointed out to the property owner but repairs have not yet been carried out.

### **Town Council**

11. Bingham Town Council objected to the original scheme and commenting in summary that the proposal "*based upon the size of the extension in relation to the property and the imbalance it will create with its partner semi, given their special architectural, historic character and appearance within the Conservation Area.*"
12. The Town Council continue to object to the revised proposals until the matters raised by the Conservation Officer and other consultees are resolved.

### **Statutory and Other Consultees**

13. The Conservation and Design Officer objected to the original scheme, including the demolition of part of the front boundary wall and the proposed new gates (this element now withdrawn), but does not object to the amended scheme commenting, in summary: Whilst there is a good historic association between the application site and the listed building at number 67 the visual relationship on the ground is poor. The creation of the rear driveway for 67 and 65 Long Acre visually separates the listed building from the area to the north. Whilst the proposal will also have some impact upon views from the rear

of the listed building and its garden he does not feel that these views inform the special significance of the listed building and the proposal would not impact in a way which would be harmful to special significance.

14. The increased set back of the extension from the property's front elevation and resulting drop in the ridge height represents an improvement, the extension would appear more subservient. From the front elevation the extension would appear even lower, the ridge is behind that of the existing house and all views would be from the lower level of the road looking upwards to the house. The extension would be visible, including from the junction of Cherry Street and Long Acre where the one metre set-back conveniently relates to the existing rainwater downpipe (the pipe closest to the front corner of the house) which makes it relatively easy to visualise what the proposed side extension would be like. He accepts there would be an impact on the street-scene and the house would become distinctive from its 3 contemporary neighbours, however the proposal would make it relatively easy to read the building and determine its original extent, with the extension being subservient and recessive to about as far as is possible as a two storey extension. Although there would still be some adverse impact upon the contribution to local character that the 4 semi-detached properties make, this has been reduced and the application property would remain distinctive and legible in its original form and would still be able to make a contribution to local character within the conservation area.
15. In commenting on the proposal, the Conservation Officer noted that the proposed side extension would require the loss of at least one elderly fruit tree eroding what little remains of the former orchard character, although he acknowledged that the tree appears to be in poor condition and may not have a long lifespan remaining anyway. He suggested consulting the Landscape and Design Officer on this matter.
16. The Landscape and Design Officer does not object to the application. In summary he confirms that the public amenity value of the trees is fairly insignificant due to their small size and lack of natural canopy. The tree closest to the road has suffered dieback and has little long term potential. The middle tree is dead. The third is a heavily pollarded apple tree which looks reasonably vigorous but has fungal decay on the south side of the trunk which will limit its useful lifespan. He could not justify protecting any of the trees.

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

17. No comments have been received from local residents or the general public in response to the consultation carried out.

#### **PLANNING POLICY**

18. The relevant national planning policy guidance is contained in the National Planning Policy Framework (NPPF) and associated guide, the National Planning Policy Guide (NPPG).
19. The Development plan for Rushcliffe comprises the 5 saved policies in the Rushcliffe Local Plan (1996) and the policies contained within the Rushcliffe Local Plan Part 1: Core Strategy. Consideration should also be given to the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are in accordance with National Planning Policy

Framework (NPPF) and the Rushcliffe Local Plan Part 1: Core Strategy. Additional guidance is provided in the Rushcliffe Residential Design Guide Supplementary Planning Document (SPD) as well as Bingham Conservation Area Character Appraisal and Management Plan.

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

20. 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 an up-to-date development plan without delay.”*
21. In relation to design paragraph 124 states: *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”* It goes on to provide in paragraph 127 *“Planning policies and decisions should ensure that developments: c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);”*
22. Section 16 of the NPPF refers to conserving and enhancing the historic environment and states (amongst other things) that local planning authorities should look for opportunities for new development within Conservation Areas. Also 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.
23. 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.”*
24. Section 66 of the above Act also specifies that; *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

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

25. None of the 5 saved policies of the Rushcliffe Borough Local Plan 1996 are applicable to this proposal.
26. Policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy states that the Borough Council will take a positive approach that reflects the presumption in favour of sustainable development.
27. Policy 10 Enhancing Local Identity and Diversity states inter-alia: *“1. All new development should be designed to make:  
a) a positive contribution to the public realm and sense of place;  
c) reinforce valued local characteristics;”*

28. 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.
29. 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.
30. Policy GP2 of the Rushcliffe Non Statutory Replacement Local Plan requires that any developments are sympathetic to the character and appearance of neighbouring buildings and the surrounding area in terms of scale, design, materials, etc. and, do not have a detrimental impact on the amenity of neighbours by reason of overlooking, loss of light, overbearing impact or the type of activity proposed.
31. 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).
32. Consideration should also be given to supplementary guidance provided in the 'Rushcliffe Residential Design Guide' and 'the Bingham Conservation Area Character Appraisal and Management Plan'.

## **APPRAISAL**

33. The scheme has been amended with the aim of mitigating the proposals potential harm on the character and appearance of Bingham Conservation Area and to enable the proposal to appear subservient to the original house.
34. With regard to the impact of the proposal on the character and appearance of Bingham Conservation Area it is noted that the Conservation and Design Officer raises no objections to the proposed scheme. The historic significance of the front boundary wall and its association with the adjacent listed building 67 Long Acre have been identified by the Conservation and Design Officer. Concerns have been raised over the partial demolition of the front boundary wall and the design of the proposed gates to the front of the property. However, these elements of the scheme have now been withdrawn.
35. Concerns have been raised by the Parish Council and Cllr. Hull relating to the impact of the two storey side extension on the conservation area, the street scene and the existing property within the application site. The two storey side extension would be visible from the public realm within Bingham Conservation Area. In terms of its design, increasing its set back from the front elevation of the original house by an additional 500mm has also resulted in a corresponding drop in the ridge height. It is considered that this amendment, in conjunction with the 500mm reduction in the width the proposed two storey side extension, would ensure that it appears subservient to the original house and sympathetic to its character and appearance. Although the proposal would be visible in views along Church Street, it would be read as an obvious extension to the

property maintaining the integrity and group value of 2 to 8 Cherry Street, which are mainly unaltered.

36. The single storey rear extension would be predominantly screened from outside of the site by the existing boundary hedges and the proposed two storey extension. It would have a small footprint and low in height and so appear subservient to the original property. Its flat roof design with a glazed roof lantern would enable the single storey extension to appear as a modern addition.
37. The materials proposed for the extensions include off white render walls and a tiled roof (to the two storey element) to match the existing house. The render on the walls of the original house would also be replaced with modern off white render. The render on all of the other houses within the group is painted in off white. It is, therefore, considered that the proposed materials would ensure continuity of design.
38. The proposal would result in the loss of at least one mature fruit tree from within the site. The trees located within the site have been assessed by the Landscape and Design Officer and it is his conclusion that they are not of significant merit to warrant protection. Therefore, despite the historic provenance of the trees it is considered that their retention cannot be justified.
39. The comments received from the Conservation and Design Officer, which are in general support of the proposed extensions, are noted and coming from a technical consultee are given significant weight. On balance it is therefore considered that the proposed extensions would 'preserve' the special architectural and historic character and appearance of the conservation area as is described as being a 'desirable' objective within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is also considered that the proposal would be sympathetic to the character and appearance of the neighbouring properties and the surrounding area.
40. The application property is located to the north of 67 Long Acre a grade II listed building. However, on the advice of the Conservation and Design Officer, in part due to the physical separation that has occurred with the introduction of an access road between the site and 67 Long Acre, it is considered that the proposal would not harm the setting of the listed building. Furthermore, the Church of St Mary's and All Saints on Church Street is a Grade I listed building and whilst the spire of the church is visible from points along Cherry Street, it is considered that, by virtue of the separation distance and intervening structures, the proposal would not adversely impact on the setting of the church. Therefore, it is considered that the proposal does not cause harm to and preserves the setting of nearby listed buildings, achieving the objective described as desirable in Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.
41. With regard to the impact of the proposal upon the residential amenity of the neighbouring properties, the proposed rear extension would be set in from the shared boundary with the adjoining neighbour, 6 Cherry Street, and would be low in height. Therefore, despite its location to the south of this neighbouring property, it is considered that it would not be unduly overbearing or lead to undue overshadowing or loss of light. The openings proposed would be

predominantly screened by the existing boundary treatments preventing undue overlooking or loss of privacy.

42. The proposed two storey extension would bring the property within the application site closer to the rear elevation of 67 Long Acre. There are no first floor habitable room windows in this property facing the application site and the outlook from the facing ground floor windows serving a kitchen/diner is already restricted by the existing boundary treatments. No habitable room windows are proposed in the side elevation of the two storey extension and the rear facing bedroom window would be located 15.6m from the site boundary with the car park of the neighbouring flats. It is, therefore, considered that the proposal would not lead to any undue harm to the residential amenity of the neighbouring properties.
43. In conclusion, it is considered that the proposed extensions would not harm the character and appearance of Bingham Conservation Area or the setting of nearby listed buildings, would be sympathetic to the character and appearance of the existing property, the neighbouring properties and the surrounding area, and would not lead to undue harm to the residential amenity of the adjacent neighbours. Therefore, the proposal would be in accordance with policy 10 (Design and Enhancing the Local Environment) of the Rushcliffe Local Plan Part 1: Core Strategy, policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan, as well as the Rushcliffe Residential Design Guide and polices contained within the NPPF, and there are no material considerations which outweigh these policies.
44. The proposal was not subject to pre-application advice, however, negotiations have taken place during the consideration of the application in response to concerns raised by officers and consultees, and revised plans were submitted 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 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 amended plans ref. 2019 03A, 04A, 05B and 07B received on 11 January 2019.  
  
[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 development hereby permitted shall not proceed beyond foundation level until details of the facing and roofing materials to be used on all external 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]