

19/00013/FUL

Applicant Mr C Chambers

Location 2 Bishops Road Bingham Nottinghamshire NG13 8FZ

Proposal Resubmission of application 18/02305/FUL for the erection of a two storey side extension

Ward Bingham West

THE SITE AND SURROUNDINGS

1. The dwelling is 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. This is a re-submission following refusal of a previous application for a two storey side extension. The proposal involves a revised scheme for a two storey side extension. It would have ridge height of 7.18m and eaves height to match that of the existing dwelling and would extend 5.6m along the side elevation with a width of 3.4m. It would be constructed of materials to match the existing dwelling.

PLANNING HISTORY

3. 18/02305/FUL - full planning permission for a two storey side extension was refused in December 2018 for the following reason:

The proposed extension would have an overbearing effect on the house and garden of 19 Hill Drive resulting in a significant adverse impact on the residential amenities of the occupiers of this property. The proposal would, therefore, be contrary to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy, Policy GP2 (Design and Amenity Criteria) of The Rushcliffe Non-Statutory Replacement Local Plan and guidance contained within the National Planning Policy Framework specifically paragraphs 127 and 130.

4. An appeal against this refusal has been lodged with the Planning Inspectorate and has yet to be decided.

REPRESENTATIONS

Ward Councillor(s)

5. One Ward Councillor (Cllr J Stockwood) has objected to the proposal stating "I continue to object to the proposed application as the revisions do not address the overbearing impact on the house and garden of 19 Hill Drive and the impact on the residential amenities of that property."

Town/Parish Council

6. Bingham Town Council object to the proposal due to "*the overbearing impact in terms of privacy and residential amenity to a neighbouring property on Hill Drive*"

Local Residents and the General Public

7. The neighbour at 19 Hill Drive objects to the proposal (via a relative) and reiterates objections previously made:
 - a. As equally overbearing and overshadowing as the previously refused application.
 - b. Loss of light to the rear garden.
 - c. Water run-off.
 - d. Nowhere else on the estate is there such overwhelming development or extension to the original properties.
 - e. If this planning application is approved a dangerous precedent could be set.
 - f. The loss of parking space.
8. A resident at 1 Thorseby Road commented; "*This property abuts the property of an elderly friend of mine who has lived in her house since it was new. She is in her nineties and has been made seriously anxious about the effect this double story development will have on her day to day life. She was very relieved when the application was refused in December 2018. She will now be made unwell again because the application is still double storey and is only a few feet from her own building.*"

PLANNING POLICY

9. 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.
10. 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. Rushcliffe Local Plan Part 2: Land and Planning Policies is presently at examination in public stage and has some weight in decision making.
11. 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

11. 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 decisions 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. Para 127 of the NPPF states that decisions should ensure that they “*create places that are safe, inclusive and accessible and which promote health and well being, with a high standard of amenity for existing and future users.*”
13. 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

14. 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.
15. None of the 5 saved policies of the Rushcliffe Borough Local Plan 1996 apply to this application.
16. 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

17. 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.

18. 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 be removed.
19. 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.
20. 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. 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 should be afforded less weight.
21. 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.
22. Being on a corner plot 19 Hill Drive has a larger than average overall garden area for the area 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.
23. The case officer visited 19 Hill Drive previously during the assessment of the previous application (ref: 18/2305/FUL) 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.
24. 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. Consideration should, therefore, be given to the additional impact arising from a two storey extension.

25. The extension would 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 directly adjacent the 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 Bishops Road, the side garden and away from the rear garden of 19 Hill Drive towards.
26. 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. 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 between 2 Bishops Drive and 19 Hill Drive. All planning applications must be assessed on their 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.
28. This is an amended scheme which sees the ridge height of the extension reduced by 120mm and the front elevation set back by 300mm. Whilst these changes may be considered to be relatively minor when compared with the previous proposal, the previous scheme was recommended for approval and officers maintain the view that the development would not have unacceptable impacts on the amenities of the neighbouring property and, therefore, again recommend approval to this revised proposal.
29. 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.
30. 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.
31. This is an amended scheme following the refusal of a previous planning application reducing the size of the extension slightly with the aim of alleviating the concerns raised. 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, 024.05a rev A and 024.06a rev C.

[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.