

19/00666/FUL

Applicant Mr And Mrs R Combellack

Location 17 Bollards Lane Sutton Bonington Nottinghamshire LE12 5PA

Proposal Two storey front extension, two storey side extension over existing garage and utility, and rendering of existing dwelling.

Ward Sutton Bonington

THE SITE AND SURROUNDINGS

1. The application relates to a two storey detached dwelling set back from the corner of Bollards Lane with access via a driveway running between Nos. 15 and 23 Bollards Lane. The two storey element of the dwelling has a reversed 'L' shaped footprint. There is a long single storey front projection. Both the main dwelling and front projection are finished in render with a pantile roof. The dwelling is significantly elevated relative to the driveway, with a basement under the main dwelling and a landscaped terraced area to the front corner of the site. There is a detached brick garage to the south west side of the dwelling which is level with the basement. The site falls away to the west (side) and north (rear). The site is enclosed by mature tree screening limiting views from the highway.
2. A public footpath runs along the driveway before following the east boundary of the site, this path links between Bollards Lane and Marle Hill. There is a railway cutting immediately to the east. The site falls within the Sutton Bonington Conservation Area. The Townscape appraisal does not identify any key views across the site and the dwelling is not identified as a key unlisted building.

DETAILS OF THE PROPOSAL

3. The application seeks planning permission for two storey front extension incorporating the existing single storey projection, and a two storey side extension over the existing garage. The two storey front extension would measure 6.6 metres in width, projecting 17.7 metres forward of the dwelling frontage and 9 metres forward of the existing single storey projection, measuring 6.6 metres in width. The extension would have a pitched roof measuring 4.8 metres to the eaves and 7.5 metres to the ridge to match the existing dwelling. At the front of the extension the plans show a perpendicular roof line forming a two storey gable to the east and west elevations. The west elevation of the extension would feature a first floor balcony.
4. The proposed side extension would project 8.8 metres from the side of the dwelling, incorporating the existing garage. There would be a small front projection above the garage. The ridge and eaves of the extension would form a continuation of the existing roof. Due to the fall in levels, the west (end) gable would be three storeys in height with a ridge height of 10 metres. The extensions would be finished in render with a tiled roof to match the existing. The garage and first floor projection above this would be finished in brick.

SITE HISTORY

5. P1/89/0581/P- Erection of double garage. Granted in 1989.

REPRESENTATIONS

Ward Councillor(s)

6. The Ward Councillor (Cllr Brown) does not object.

Town/Parish Council

7. No comments received

Statutory and Other Consultees

8. Historic England do not wish to comment on the proposals and suggest that the views are sought of the Council's specialist conservation and archaeological advisers.
9. The Conservation and Design Officer commented that the dwelling is hidden from the wider public realm although a public right of way runs through the site, as such there are public views of the property. The proposed extension in place of the garage would effectively be 3 storeys due to fall in land level, producing a south west elevation facing over the valley of considerable height. There may be views from Main Street but this would be limited to glimpses. The extension would produce a very linear range visible along the driveway and from the public footpath which would also be some 10 metres in height along a significant portion of its length. Whilst there would be some articulation, the most publicly visible front/south roof slope would be poor, resulting in a building that would be out of keeping with the conservation area in terms of scale and proportions. The east/west facing roof slope would have a continuous ridge, appearing monotonous in character. None of the extensions would be subservient to the original building, which would be subsumed by the extensions.
10. The proposal would fail to achieve standards of 'good design' as advocated within the NPPF, fail to take account of guidelines for domestic extensions set out within the adopted Residential Design Guide SPD and, to the very limited extent to which the property is publically visible, would be harmful to the established special architectural and historic character of the Sutton Bonington Conservation Area. The harm arising would be minor and certainly at the lower end of the broad spectrum of 'less than substantial harm' detailed within the NPPF. There would, however, be a statutory presumption against granting planning permission under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as where a proposal results in any degree of harm it must also fail to "preserve" the special architectural and historic character of the Conservation Area. This harm would need to be tested under para 196 of the NPPF, however it is hard to conclude that the scheme would deliver wider public benefits to outweigh the harm arising.

Local Residents and the General Public

11. No comments received

PLANNING POLICY

12. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as the Core Strategy) and the 5 saved policies of the Rushcliffe Borough Local Plan 1996.
13. The emerging Local Plan Part 2: Land and Planning Policies, which was the subject of a Hearing in November and December 2018, is also a material consideration. Paragraph 48 of the NPPF allows weight to be given to relevant policies in an emerging local plan. The weight that can be given to these policies is dependent on the stage of its preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the NPPF. The plan is currently still under examination but on 7 February 2019 the Inspector appointed to examine the plan wrote to the Council to advise that they thought the plan is likely to be capable of being found legally compliant and sound, subject to main modifications. It can, therefore, be afforded some considerable weight subject to the relevant policies not being subject to relevant modifications and providing the relevant policies not being in conflict with the NPPF.
14. Other material considerations include the National Planning Policy Framework (NPPF) (2019), the National Planning Practice Guidance (the Guidance) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (NSRLP) (2006).

Relevant National Planning Policies and Guidance

15. 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.
16. Given the location within the Sutton Bonington Conservation Area, the proposal falls to be considered under section 16 of the NPPF (Conserving and Enhancing the Historic Environment). Paragraph 194 of the NPPF states that any harm arising to a designated heritage asset should require a clear and convincing justification. Where a development would lead to substantial harm to, or total loss of, a designated heritage asset then permission should be refused unless it can be demonstrated that substantial public benefits can be achieved that outweigh the harm or loss, or that all of the criteria under paragraph 195 can be satisfied. Where a development would lead to less than substantial harm, under paragraph 196 this harm should be weighed against

the public benefits of the scheme.

17. 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.”*

Relevant Local Planning Policies and Guidance

18. 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 NPPF. The proposal falls to be considered under Policy 10 of the Core Strategy (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, specifically 2(b) whereby the 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. The proposal falls to be considered under Policy 11 of the Core Strategy (Historic Environment). Paragraph 1 of this policy 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.
19. Whilst not a statutory document, 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 NSRLP. GP2d sets out that 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. The proposal should act to either preserve or enhance the character of the conservation area in line with Policy EN2.
20. The 2009 Rushcliffe Residential Design Guide implies that the style and design of any extension should respect that of the original dwelling and should not dominate over it. Extensions should be designed so that they are not readily perceived as merely 'add-ons' to the original building and therefore scale, proportion, and roof form are very important.

APPRAISAL

21. The application relates to a two storey detached dwelling which is effectively given an additional storey at basement level below the side projecting wing of the dwelling. The dwelling occupies an elevated position on the brow of a hill with the ground falling away to the north and west of the site.
22. The dwelling is located within a large plot, set back from the boundaries with Nos. 15 and 23 Bollards Lane. It is not considered that the proposal would result in an undue overbearing or overshadowing impact on the neighbouring properties.

23. The proposed side extension over the garage would affectively create a three storey extension due to the fall in land levels, resulting in a dominant 10 metre high gable to the west elevation. The long continuous unbroken roof ridge and the fall in land levels to the west and north would further emphasise the height of the extension, resulting in a dominant feature that would not be subservient to the original dwelling. The proposed front extension would create a 17.7m long continuous ridge. Together the extensions would result in substantial additions that would subsume the original dwelling. It is considered that the scale, massing and proportions of the extensions would be at odds with the original dwelling, resulting in the complete loss of its original character as a fairly modest dwelling.
24. The resultant built form would be excessive in scale, appearing akin to a hotel or residential institution. Both the front and side extensions would form long monotonous ridge lines. It is considered that the scheme would appear at odds with the surrounding built form.
25. In considering the impact upon the Sutton Bonington Conservation Area, the site is largely hidden from the public highway with the exception of glimpses along the Driveway from Bollards Land and glimpses of the roof line from Main Street. It is not considered that the extensions would appear prominent from Main Street and no key views would be affected.
26. A public footpath, however, runs along the entrance into the site, skirting around the south and east boundaries. There would, therefore be views of the proposed development from a public vantage point. The proposed works would result in harm to the character and appearance of the conservation area, although owing to the limited visibility of the scheme this harm would be considered to be 'less than substantial'.
27. A test exists under paragraph 196 of the NPPF where 'less than substantial' harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It is not considered that the scheme would deliver such public benefits to outweigh the harm arising.
28. The proposal would fail to preserve or enhance the character and appearance of the conservation area as is considered to be a 'desirable' objective within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This conflict gives rise to a statutory presumption against granting planning permission.
29. For the reasons set out above it is considered that the development does not accord with the national and local planning policies referred to above and accordingly the refusal of planning permission is recommended.
30. The proposal was the subject of pre-application discussions and the applicant/agent was made aware of the policy objections and identified unacceptable impacts of the development. The applicant/agent/ chose to submit the application without making any amendments to the proposal. In order to avoid further abortive costs to the applicant, no further negotiation has taken place and it is recommended that the application be refused.

RECOMMENDATION

It is RECOMMENDED that planning permission be refused for the following reason(s)

1. The proposed extensions by virtue of their excessive scale, proportions and roof form would result in an unsympathetic development that would dominate and subsume the original dwelling. The proposal would therefore be contrary to policy GP2 d) which states that permission for new development, changes of use, conversion or extensions would normally be granted provided that, inter alia;

"The scale, density, height, massing, design, layout and materials of the proposals are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. They should not lead to an overintensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy and should ensure that occupants of new and existing dwellings have a satisfactory degree of privacy."

A decision to refuse planning permission would accord with paragraph 130 of the NPPF which states that "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, taking into account any local design standards or style guides in plans or supplementary planning documents".

The proposal would be contrary to the 2009 Rushcliffe Residential Design Guide, which implies that the style and design of any extension should respect that of the original dwelling and should not dominate over it. Extensions should be designed so that they are not readily perceived as merely 'add-ons' to the original building and therefore scale, proportion, and roof form are very important.

2. The proposed development would result in harm to the character and appearance of the conservation area as a Heritage Asset and no clear and convincing justification for this harm has been provided and no wider public benefit has been identified that would outweigh this harm. The proposal would therefore be contrary to paragraph 194 and 196 of the NPPF which states:

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."; and

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

The proposal would also be contrary to policy EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan which states, inter alia, that planning permission for development within a conservation area or affecting its setting or views in or out of the area will only be granted where:

- a) the proposal would preserve or enhance the character or appearance of the conservation area by virtue of its use, design, scale, siting and materials;
- b) there will be no adverse impact upon the form of the conservation area, including its open spaces (including gardens), the position of existing buildings and notable features such as groups of trees, walls and other structures; and there will be no loss of part or all of an open space which contributes to the character or appearance of the conservation area.

The proposal would be contrary to Policy 11 (1) of the Rushcliffe Local Plan Part 1: Core Strategy which states that proposals would be supported where the historic environment and heritage assets would be conserved or enhanced in line with their interest and significance.