

19/01229/FUL

Applicant Mr & Mrs Singh

Location 1 Stamford Road West Bridgford Nottinghamshire NG2 6GA

Proposal Erection of one detached dwelling (revised proposal - part retrospective).

Ward Abbey

THE SITE AND SURROUNDINGS

1. No. 1 Stamford Road lies to the immediate east of the application site. It is a large detached house with red plain tile roof and mock Tudor detailing having bay windows. This property is larger than average within the street. There is an existing vehicular access to the house to the east of the application site, which serves the existing house and integral garage, Bulwell stone walls define the boundaries adjacent to the highway.
2. The application site comprises part of the garden area of 1 Stamford Road. There is a partially constructed dwelling on site, which has risen to first floor/eaves level and is surrounded by scaffolding. There are two mature trees within the application site next to the boundary with Stamford Road. A temporary construction site gate has been created within the Bulwell stone wall on Stamford Road. Temporary fencing and a pedestrian access gate delineates the boundary at the rear of the site with No.1. The partially constructed structure is the subject of an Enforcement Notice.
3. To the north, the site adjoins the side boundary of the rear gardens of No.s 30 Parkcroft Road and 147 Melton Road. No 30 Parkcroft is a two storey dwelling having a conservatory to the rear. No 147 is a two storey brick and part rendered dwelling with plain tile roof. These properties are located at a lower level to the application site. Mature vegetation currently exists within the application site, adjacent to the boundary fence with these properties. There is also a 1.8m high boundary fence.
4. The neighbouring property to the west of the application site fronts onto Melton Road (149 Melton Road), its rear garden abuts the side boundary of the application site. Immediately adjacent to the site boundary is a detached garage and a single storey extension of the house. The main part of this property is two storey being mainly finished in white render and having a number of windows facing the application site. Fencing forms the boundary between this neighbouring property and the application site.
5. Opposite the application site are two storey, partly rendered, properties 2a and 2b Stamford Road. Both properties are in an elevated position in relation to Stamford Road and the application site, and they both have front first floor balconies.

DETAILS OF THE PROPOSAL

6. As the development which has been commenced on site does not comply with the planning permission (ref: 15/00389/FUL) for a dwelling previously granted, the permission has not been implemented and has now expired. The partially constructed structure does not have the benefit of planning permission and is therefore wholly unauthorised and the subject of an Enforcement Notice.
7. The current application is for the erection of one detached dwelling. It is proposed to have habitable and storage accommodation within a basement, accommodation over two floors and habitable accommodation within the roofspace served by rooflights to the rear and rooflights and a dormer on the front elevation. Parking provision for two cars is indicated to the front of the property.
8. The proposal seeks to regularise, in part, some of the structure that is currently present on site. The changes are proposed in an attempt to address the refusal reasons of planning application 18/01188/FUL for one detached dwelling (revised proposal) which was submitted to seek to retain the structure as was being built and was refused (see details in planning history section of the report).
9. As a result, the submission now under consideration illustrates how the existing structure is proposed to be altered. It is proposed to lower the wall heights and the respective first floor window levels. The floor level of the single storey rear element is indicated as being lowered by 800mm and a monopitch roof is proposed in lieu of the existing flat roof area of the single storey element.
10. The submitted plans also show the proposed overall ridge and eaves height in relation to the dwelling that was approved under reference 15/00389/FUL. In this regard it would be 10.250m and 5.9m compared to the respective 10.5m and 7m previously approved.
11. During the course of the application, additional information was provided in respect of a schedule of works to indicate how the changes to the existing structure would be achieved and the order that they would be sequenced. Revised plans were also submitted illustrating an increase in the eave height of the rear rooflights to 1.7m measured from the floor level and changes to the parking area.

SITE HISTORY

12. Permission was granted for a detached garage at 1 Stamford Road (94/00206/FUL).
13. 15/00389/FUL - Construct one dwelling. Approved on the 22 April 2015.
14. 18/01188/FUL - Erection of one detached dwelling (revised proposal - part retrospective). Refused on the 18 January 2019 for the following reasons:
 - 1) The proposed development, by reason of its raised floor level resulting from inclusion of basements would result in overlooking of neighbouring residential properties from both ground and first floor levels, in particular 147 Melton Road. In addition, as a result of the raised floor levels the

resultant height of the proposed single storey projection from the rear elevation would result in an unacceptable overbearing impact on 149 Melton Road. Overall, the proposal would result in a significant adverse impact on the residential amenities of neighbouring properties and would, therefore, be contrary to Policy GP2 Design and Amenity of the Rushcliffe Borough Non-Statutory Replacement Local Plan and Policy 10 (Design and Enhancing Local Identity) of The Rushcliffe Local Plan Part 1: Core Strategy.

- 2) The proposed dwelling, by virtue of its scale, height, massing and proximity to 1 Stamford Road would result in an incongruous appearance in the streetscene that would constitute poor design. The decision to refuse planning permission would therefore be in accordance with Paragraph 130 of the NPPF which 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 ...”

15. An Enforcement Notice (18/00048/PLANS) was issued on the 15 February 2019. This took effect on the 18 March and requires certain actions to take place with a 6 or 8 month compliance period from the date of the notice. The reasons given for issuing the Enforcement Notice were based on the refusal reasons for planning permission 18/01188/FUL as quoted above. It was considered that planning permission should not be given because conditions could not overcome the problems.

REPRESENTATIONS

Ward Councillor(s)

16. One Ward Councillor (Cllr Gowland) commented *“Urban infill is good in principle but I would like to see a larger plan showing the size in relation to the neighbours, particularly since this area is on a hill. Will the two resulting houses have suitably sized gardens around them, and is there sufficient drainage. Are any trees or hedgerows being lost? Will the new house be environmentally friendly and future proof? Will it have electric car charging points, grey water conservation methods, excellent levels of insulation and ideally sustainable energy generation methods?”*
17. *“On the form it says there are no trees or hedgerows on the development site. Should one or more of the trees have a TPO put on them: or should other forms of mitigation be proposed? This end of Stamford road is very green and wooded with old trees.”*
18. *“This is a large house which is very close to the house on Melton Road in terms of light.”*
19. *“With the information I currently have available to me I have to I object on the basis of the security of the trees and apparent scale of the development relative to the size of the plot and proximity of other properties.”*
20. One Ward Councillor (Brian Buschman) does not object.

Statutory and Other Consultees

21. Nottinghamshire County Council as Highway Authority has not objected to the application subject to conditions. The officer does not object to the revised parking layout.
22. The Landscape Officer does not object to the revised parking layout. *“Given that the site access has been created and the ground here is already compacted and I think some form of concrete surface has been put down, I would suggest the layout is acceptable, I would still be looking for the construction to take into account the tree roots with a no-dig or reduced dig construction, but this should be achievable ... I’m open to the eastern tree being sacrificed if it would help.”* In relation to an assessment of the suitability of the trees being protected under a TPO, he has advised that the eastern tree has suffered damage from fire and disease.

Local Residents and the General Public

23. 7 representations have been received raising the following matters:
 - a. This project was started about 18 months ago and seemed to draw to a halt well over a year ago.
 - b. The situation seems ridiculous.
 - c. At the moment the unfinished house is an eye sore and must have caused the family a lot of unnecessary stress.
 - d. Hope the relevant permissions can be granted so the house can be finished and allow a family to live there.
 - e. The previous proposal was refused despite considerable building work having been undertaken and the remaining structure is an eyesore. Agree with the comments made by neighbours that led to the formal refusal. Comments made by Cllr P Gowland on the new proposal also supported.
 - f. Permission was refused on the previous proposal because:"- Overall the proposal would result in a significant adverse impact on the residential amenities of neighbouring properties and would therefore be contrary to Policy-". "-The proposed dwelling, by virtue of its scale, height, massing and proximity to 1 Stamford Road would result in an incongruous appearance in the street scene that would constitute poor design-". Although the height has been marginally reduced, proposal still involves a large 3 storey building crammed into an inappropriate small space with increased size windows and a large basement.
 - g. 1 Stamford Road stands over an underground river and a basement that had to be pumped of water from time to time.
 - h. The revised plan does not address the problems with the building in regard to height and width. It does not fit comfortably in the street environment. The scale is wrong and it is too close to 1 Stamford Road.

- i. The best way forward would be to demolish the present building.
- j. The area of this building's footprint is approximately 156 square metres. This is an increase of about 37% over the original approved plans.
- k. The 1st floor landing window in the North wall is too large and positioned too close to the west wall enabling greater overlooking of neighbouring property.
- l. The unapproved building has been built over 1 metre diagonally closer to neighbouring property than the original approved plans and this is regarded as being detrimental in terms of overlooking and access to an unobstructed view of the sky.
- m. The proposed changes appear to have addressed the issues regarding the overlooking from the ground floor level and to some extent the raised roof line, but the proximity of the unapproved building still gives feeling of an overbearing structure.
- n. Detrimental impact upon residential amenities contrary to Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan. It does not respect local context and street pattern or the scale and proportions of surrounding buildings and would be entirely out of the character of the area, to the detriment of the local environment. The proposal would demonstrably harm the amenities enjoyed by close residents, in particular safe and available on-road parking, valuable green space, privacy and the right to enjoy a quiet and safe residential environment.
- o. Need to avoid town cramming. The proposed dwelling would significantly alter the fabric of the area and amount to serious 'cramming' in what is a low-density road. The nature and orientation of the plot means that the garden would be very small for a three-storey dwelling, particularly compared with the large plots typically enjoyed by the surrounding properties. The proposal allows very little space for landscaping at the rear as a large proportion is covered with overgrown and unmanaged bushes and trees, which, if removed would exacerbate the existing overlooking problems. The proposed development would not result in a benefit in environmental and landscape terms, to the contrary it would lead to the loss of valuable green space.
- p. Protection of valuable open space - concerns about the adverse effect that the proposed development would have on the two remaining trees. The trees are very close to the front of the proposed dwelling and are likely to foul the building, and constant subsequent pruning of the tree would be required. The potential damage heavy excavation equipment and the extent of excavation for the development has had on the root system of the trees. The effect that the roots could have on the foundations.
- q. Ground stability and drainage. Concerns are raised about the impact the proposed works could have on the stability of neighbouring property in terms of drainage as well as ground stability. Concerned about how the existing excavation might eventually affect surrounding properties as

there does not appear to have been a proper assessment of the geological impact such a large development, together with its equally large basement, would have on the immediate surrounding area regarding stability or drainage.

- r. Loss of privacy and overlooking. The development is contrary to GP2 - The design of the proposed development does not afford adequate privacy for the occupants of the building or of adjacent residential properties, particularly with regard to their right to the quiet enjoyment of garden amenities.
- s. Overlooking of neighbouring residential properties on 147 to 149 Melton Road and 30 Parkcroft Road. The five upper storey windows and the three roof windows which, because of the height of the development and proximity to the surrounding properties, will have a direct view into the rear windows and gardens of these properties, all of whom have enjoyed an acceptable level of privacy for at least the last 50 years. The Human Rights Act in particular Protocol 1, Article 1 states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. It is believed that the proposed development would have a dominating impact on neighbours and their right to the quiet enjoyment of their property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. In the case of *Britton vs SOS* the courts reappraised the purpose of the law and concluded that the protection of the countryside falls within the interests of Article 8. Private and family life therefore encompasses not only the home but also the surroundings.
- t. Inadequate parking and access. Since 2015 there have been considerable changes to road conditions experienced on Melton Road and Stamford Road; the introduction of "no parking" on Melton Road; increase of motorists using that end of Stamford Road (and Parkcroft Road) for long-term parking which present a serious threat to highway safety and damages residential amenity. The plot size and orientation will not easily accommodate a four-car layout. Adverse effect on safety when vehicles attempt to manoeuvre in and out of these spaces on the development. Proposed application to create another entrance to 151 Melton Road on Stamford Road is approved.
- u. Non-compliance with Government guidance.
- v. Should the application be approved, the Council should consider using its powers to enforce controlled hours of operation and other restrictions that might make the duration of the works more bearable. The proposed site of development is very small and contained, with very limited road frontage, consideration should be made about how and where construction vehicles and staff would gain access to the site for unloading and parking without causing a highway hazard or inconveniencing neighbours.
- w. Whilst the revised proposals for the reduction in the floor level of the extension at the back of the house to match existing ground levels and the inclusion of an elevated roof above, as opposed to a flat roof on which an extension upwards could be undertaken, goes a long way to

responding to previous objections, remain concerned that the doubling of the size of the basement and its potential effect on the water table has not been addressed. This aspect needs to be investigated and confirmed as not being a danger to the fabric of the new property or adjacent properties.

- x. There is no evidence of any assessment of impact of ground water routing from this higher elevation property to the lower elevation properties on Parkcroft or Melton Roads. This change in ground conditions may well have a material impact upon the foundations of nearby properties through either drying out or enhancing the moisture content of the clays which would lead to sinking or heave of the clays and cause structural damage; and changes in moisture levels in nearby gardens leading to drying out of vegetation or indeed flooding.
- y. The size of the property proposed is too big for the plot of land and as a three-storey property would be over-bearing on surrounding neighbours.
- z. Although the plans show room for two parking spaces, the actual size of the trees make this unlikely. It is believe the space is so compromised that any vehicles exiting the property would have to reverse off with no visibility splay given the height of the front wall thereby posing a risk to pedestrian safety on the pathway outside.
- aa. The basement rooms now have no natural light – questioned how this works from building regulations.
- bb. It is entirely evident that there was never any intention of following the original plans from the start. The current plans for this application do, at last, reflect what has now been part built but will trees be damaged/removed during the build process? Will window lights be added to the basement? What else will be added without following due process? Others in the area when undertaking building works have adhered to planning approval and strict directive from RBC

PLANNING POLICY

- 24. The Rushcliffe Development Plan consists of the Rushcliffe Borough Council Local Plan Part 1: Core Strategy, adopted on 22 December 2014, and the 5 saved policies of the Rushcliffe Borough Local Plan 1996. Further to the Core Strategy and Local Plan, the proposal falls to be considered under the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG). In addition, 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 where they remain in accordance with national and local policies.

Relevant National Planning Policies and Guidance

- 25. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF)(amended 2019) 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 should be considered under section 10 of the NPPF in terms of promoting good design, particularly the criteria outlined in 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 NPPF paragraph 130, 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

26. 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 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 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. There are no other Core Strategy policies of relevance to this application and none of the five saved 1996 Local Plan policies apply.
27. 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 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.
28. The Rushcliffe Residential Design Guide: In suburban areas to the south and south west of West Bridgford new residential development will be likely to consist of some higher density detached houses with gardens. Infill development, the “grain” of any new development must relate to the existing context.
29. In the context of plot arrangement, the following should be considered and given careful treatment:
 - The depth of setback
 - The plan form of the dwelling
 - Orientation to the street
 - Size of rear garden
 - Dwelling type, its scale, height and mass
 - Attached garages or outbuildings
30. The scale and massing of a new building should be considered in relation to its context. The design should create appropriate and positive relationships between buildings, the street and the spaces round them. It should consider

and respect the nature of the spaces being overlooked. The proportions of the spaces between the buildings are as important, if not more important, as the buildings themselves.

31. Private areas should not be excessively overlooked from either public areas or adjoining properties. Developers will be required to demonstrate how they have achieved privacy for existing and new residents, amenity for occupiers of new dwellings and other design objectives set out in this guide if adequate separation distances are not met.
32. Defining privacy need in terms of the “habitable” status of rooms is a partly subjective. There is generally less concern where first floor or second floor bedroom windows overlook private spaces. Obscure glazing will be discouraged where there is considered to be over-reliance on this method for achieving privacy.
33. It has been previously accepted that there should be rear gardens of a depth of 10m to the boundary and garden sizes of 110sqm for detached properties. Where guidelines are not met developers are to demonstrate why smaller gardens are acceptable. Gardens smaller than the footprint of the dwelling are unlikely to be acceptable. Larger sizes will be necessary where gardens are overshadowed, overlooked, or include significant changes in level.
34. All buildings and the spaces around them should receive good natural daylight as well as adequate sunlight throughout the year.
35. Infill development should respect the existing massing, building form and heights within their immediate locality. Front and rear building lines should be continued where these are well established and clearly defined as part of the settlement pattern. The side spacing to neighbouring properties should be maintained where a consistent and regular arrangement already exists. Overshadowing or overlooking of both new and existing dwellings should be avoided or minimised through careful attention to design.

APPRAISAL

Principle of development

36. Notwithstanding the structure that has been partially erected and the Enforcement position in this regard, the Committee is obliged to consider the proposal for which planning permission is now sought.
37. 1 Stamford Road is a substantial and attractive property within the streetscene that was once set within large grounds. Historically the grounds extended and included the land on which 30 Parkcroft is located. The principle of building a further detached dwelling to the west of the property was fully considered and established in the granting of planning permission 15/00389/FUL, where it was determined that the development of the garden area would not detract from the visual amenities of the area.
38. The site lies within an existing residential area and a sustainable location, the residential development of the site would not extend the built edge of the settlement and, therefore, the principle of residential development is

considered to be appropriate at this location, subject to other material planning considerations.

Impact on Streetscene

39. This part of Stamford Road has a variety of house types and designs. The proposed design is a substantial detached property, which would have hipped roof features that is prevalent in the area. It would have an eaves line that would be just lower than 1 Stamford Road and the adjacent property at 149 Melton Road. The ridge height would be marginally higher than the highest ridgeline of 1 Stamford Road. The materials would pick up elements from the vicinity with smooth render and rosemary clay plain tiles but also add timber cladding elements.
40. The proposed dwelling would be on a similar building line at the front to that of No. 1. There would be a distance of 7.1m from this elevation to the front boundary wall (excluding the bays).
41. This stretch of Stamford Road comprises significant boundary walls, trees and the two properties that sit either side of the application site. 149 Melton Road has a number of rear windows facing the site in the main part of the dwelling and a single storey projection that terminates approximately 1m from the boundary. This property has a double garage adjacent the site having vehicular access from Stamford Road. There is a fence boundary with this property.
42. 1 Stamford Road is two storey and would be 1.4m from the proposed property. Opposite the site are two storey partially rendered dwellings with integral garages that are located on a higher level to the application site. They would be around 30m from the front elevation.
43. In terms of the design, appearance and materials proposed, it is considered that the proposal is acceptable. It is considered that, on balance, taking into account the variety of properties, designs, massing and materials in the locality that the proposed dwelling would not be out of character with the street scene at this part of Stamford Road.

Amenity

44. The site is located at a lower ground level to the two storey properties opposite on Stamford Road. The site is located on a slightly higher ground level to the immediately adjacent properties on Parkcroft and 149 Melton Road. As these roads fall away from the site the land level difference increases as you travel further away.
45. The two storey element of the building (with accommodation in the roof space) would be largely in line with the rear of 1 Stamford Road and the front elevation of the garage associated with 149 Melton Road. The single storey rear element that spans the full width of the property would project out in line with the rear of the single storey projection of number 149 Melton Road.
46. It is considered that, by virtue of the distances involved, undue overlooking would not arise between the properties opposite the site to the front. In respect of 1 Stamford Road and 149 Melton Road, it is considered that the proposal has been designed so as not to have a significant adverse impact on these

properties and direct overlooking would not arise. In respect of the relationship with 147 Melton Road, and to some extent 30 Parkcroft, due to the level changes between the site and these properties and the location of the property, some overlooking would result to their rear garden areas. A condition is recommended that requires obscure glazing to the first floor en-suite, bathroom and landing areas. A condition is also recommended to ensure that the rooflights are a minimum of 1.7m from the floor level of the room they serve and that permitted development rights be removed in respect to dormer windows, extensions and alterations, including additional windows.

47. Notwithstanding the structure that is present on site, the proposal indicates a development that, subject to reasonable conditions, would not result in significant or unacceptable overlooking of the adjacent properties.
48. Whilst it is appreciated that the location of a dwelling on the site would be visible from the adjacent properties and their gardens it is considered that, due to the distances involved and its location, the resulting dwelling would be unlikely to have a significant impact on the neighbouring properties to the north, east, south or west in terms of overshadowing or overbearing impacts. The rear windows of 149 Melton Road face directly towards the rear garden of the proposal rather than dwelling itself. Whilst there will be oblique views, these would be partially screened by the existing garage building belonging to No. 149.

Amenity/Garden Area

49. There are a variety of garden sizes in the vicinity. The proposed dwelling would have a garden of 157 sq.m (10m deep x 15.7m wide). Whilst not being the norm in the vicinity, this would be of a similar size to the garden area associated with number 30 Parkland and also the resulting garden area of the 1 Stamford Road. The area of garden is similar in size to that of the previously approved development on the site – ref: 15/00389/FUL.
50. It is considered that the garden area would be a sufficient size for the property. Whilst it is noted that there are currently mature bushes within this area, that offer some screening from the development, this could be removed at any time. It is, therefore considered appropriate to require both a boundary fencing scheme and landscaping scheme by way of condition.

Parking

51. Revised plans were provided during the assessment of the planning application, changing the layout of the parking area to reduce the impact on the trees at the front of the site. The details of construction, to ensure that it drains to prevent surface water run-off, is the subject of a recommended condition. In addition, details of a no-dig or reduced dig method of construction will be required to ensure the aforementioned trees are not damaged during construction or by the hardstanding proposed to be laid.

Trees

52. There are two existing mature trees either side of the proposed access point. The trees have been considered for protection under a Tree preservation Order. Only the tree to the left of the site is considered of a condition suitable

for such an order. A condition is recommended to afford protection to both trees during the implementation of the permission.

Human Rights/ Right to light

53. The Human Rights Act incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The specific Articles of the ECHR relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).
54. Objections to planning applications about loss of sun and daylight, privacy, noise, disturbance and smells fall under the protection of article 8 and article 1 of protocol 1 of the European Convention on Human Rights (ECHR). The rights of the objectors has to be balanced with the rights of the developer.
55. The consideration of the application has had regard to the interest of the wider community. The effects of the proposal on individuals have been weighed against the wider public interest in determining whether development should be allowed to proceed.
56. A right to light is a civil matter and is separate from daylight and sunlight as considered by Local Planning Authorities in assessing an application and the impact of development on the amenities of the neighbouring properties.

Building regulations

57. Planning legislation is different from building regulations legislation. Building Regulations set standards for the construction and integrity of buildings to ensure the health and safety for people in or about those buildings. Planning considers the use of land and buildings, the appearance of buildings, landscaping considerations, highway access and the impact that the development will have on the general environment. It is for the Building Control process to consider matters such as those raised by the adjacent occupiers regarding the basement and drainage and not the planning system.

Enforcement Notice

58. If permission is granted for the current proposal, the existing enforcement notice would continue to be effective against the unauthorised structure. The implementation of the current proposal would necessitate changes to elements of the structure currently on site and a condition is recommended to ensure that the works identified in the schedule of works submitted in support of the application is undertaken in accordance with the specified sequence.

Conclusion

59. It is considered that, on balance, the proposal as submitted, and revised, is acceptable subject to the recommended conditions. It would not result in significant adverse or unacceptable impacts on the area or adjacent occupiers. The proposal would be served by a safe and suitable access and the important

trees would be adequately safeguarded. It is considered to be compliant with local planning policy and national guidance.

60. 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

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. The development hereby permitted shall be carried out in accordance with the following approved plan(s): Block plan 3548 01A; Proposed Plan 03548 02C; Proposed Elevations 03548 03A; location plan 03548 05; Proposed Schedule of works by Alan Joyce Architects dated 24 July and Elevation Drawing showing the proposed elevations showing current construction 03548 04A all received 25 July 2019.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

2. Other than work to be agreed with or required by the Borough Council, no further work shall be undertaken to the structure until such time that details of the facing and roofing materials to be used on all external elevations and roof have been submitted to and approved by the Borough Council. The development shall only be undertaken in accordance with the materials so approved and the building shall not be occupied until such time that the external finishes have been completed.

[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].

3. No operations shall commence on site until the existing trees to the front of the site that 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.

[It is necessary to receive these details and ensure the trees are protected prior to any further works commence on site to ensure the roots, trunk and branches do not get damaged by machinery/storage of materials. To comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

4. Prior to the access, driveway and parking being constructed, in accordance with the details on plan 3548 02C, details of the method of construction and

materials to be used (including details of provision to prevent the unregulated discharge of surface water from the driveway to the public highway) shall be submitted to and agreed in writing by the Borough Council. Prior to the house being occupied the driveway shall be constructed in accordance with the details as approved and shall be retained as such for the lifetime of the development.

[In the interests of highway safety and tree protection and in accordance with Policy GP2 (Design and Amenity) of the Rushcliffe Non-Statutory Replacement Local Plan 2006].

5. The driveway and access arrangements hereby approved shall not be commenced until details of the proposed construction method, which shall incorporate a 'no dig' or 'reduced dig' method, have been submitted to and approved in writing by the Local Planning Authority. The driveway and access shall then be carried out in accordance with the approved details.

[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]

6. Details of all screen fencing/walling and means of enclosure to be erected on the site shall be submitted to and approved in writing by the Borough Council before the occupation of the dwelling hereby approved. The development shall not be brought into use until the approved screen fencing/walling and means of enclosure have been completed, and they shall be retained as such thereafter.

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

7. The window(s) in the first floor rear (north) elevation (serving the bathroom, ensuite and landing) of the dwelling hereby approved 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 windows shall be retained to this specification for the life of the development.

[To safeguard the reasonable residential amenities of adjoining properties and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

8. Notwithstanding the provisions of Schedule 2, Part 1 Classes A - D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwelling(s), and no insertion of any additional windows, doors or openings of any kind in any elevation at upper floor levels, or the roof of the approved development other than those shown on the approved plans.

[The development is of a nature whereby future development of this type should be closely controlled to protect amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

9. The development shall be undertaken in accordance with the sequence of activities contained within the schedule of works produced by Alan Joyce Architects on the 24 July 2019 as illustrated on plan 0348 04 A. The dwelling shall not be occupied until such time that all of the works contained within the schedule have been completed.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

10. The dwelling hereby approved shall not be occupied until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The landscaping scheme shall be carried out in the first planting season following the occupation and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[To safeguard the residential amenities of adjoining properties and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

11. The rooflights hereby approved on the rear roofslope shall be inserted so that the eave is a minimum 1.7m above the floor level of the room they serve.

[To safeguard the residential amenities of adjoining properties 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.

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.

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 as to whether the proposed work falls within the scope of this Act and the necessary measures to be taken.

You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact the Environmental Health Officer on 0115 9148322.

You are advised to contact Development Control at the Borough Council 14 days before you start work in order to ensure all the necessary conditions have been met.

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.