

# 19/00735/FUL

**Applicant** Mr & Mrs Lee

**Location** 12 Cliff Drive Radcliffe On Trent Nottinghamshire NG12 1AX

**Proposal** Demolish existing dwelling and outbuildings: construct one two-storey house and one bungalow; associated means of access, enclosure and soft and hard landscaping.

**Ward** Radcliffe On Trent

## THE SITE AND SURROUNDINGS

1. The application site currently comprises a detached bungalow with detached garage at the rear. The site has a large front garden but it is not used for parking, parking is located to the rear of the property accessed over a public right of way, which runs alongside the eastern boundary of the site. The site is surrounded by other residential properties with a mix of single storey and two storey dwellings, including infill bungalows accessed off a private drive to the side of the proposal site. Cliff Drive rises upwards slightly towards the application site, which is located on a tight bend in the road. To the side of the site is a public footpath. This is currently used as a vehicular access for the bungalow to the rear of the site.

## DETAILS OF THE PROPOSAL

2. It is proposed to demolish the existing bungalow and detached garage at the rear and to construct two dwellings within the site, a two storey dwelling at the front of the site, comprising 5 bedrooms and measuring 8.2 metres in height to the ridge with a two storey front gable, and parking at the front accessed from Cliff Drive. To the rear would be a single storey dwelling comprising three bedrooms and measuring 4.9 metres in height to the ridge. Vehicular access for this dwelling would be via the public footpath.
3. Revised plans have been received showing a reduced width of 2.75 metres to the access off Cliff Drive with visibility splays, a bin collection point at the front and turning space at the rear serving the bungalow. The proposed verandah area at the rear of the two storey house has also been enlarged. Materials proposed involve render and timber cladding panels with slate roof tiles.
4. The application is accompanied by a Design & Access Statement and topographical survey.

## SITE HISTORY

5. An application for the erection of a bungalow (ref: 03/00347/OUT) was refused by reason of "Having regard to the width of the site and the proximity of the existing dwellings 12 and 12A Cliff Drive, it is considered that the erection of a dwelling would result in a cramped and over intensive form of development which would be out of keeping with the character of development in the area,

contrary to policy.” A subsequent appealed (03/00038/REFUSE) was dismissed.

6. Single storey front/side extension- 93/00750/FUL- Approved
7. Single storey rear extension to house- 80/07085/HIST- Approved
8. Residential development for two detached dwellings - 75/01358/HIST- Approved. There was a renewed outline application for residential development (78/07006/HIST), also approved.

## **REPRESENTATIONS**

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

9. One Ward Councillor (Cllr Clarke) supports the application, providing vehicular access to the north of the site down the footpath to Cliff Way is already established and is not setting a precedent. Given access is already gained he assume there is an existing right of access. He had concerns that the two storey dwelling is set forward of the plot, whereas neighbouring properties are set back. However, directly opposite on no.7, the single dwelling has been demolished and 3 dwellings are being constructed, with one positioned forward of the plot facing directly on to Cliff Drive, as is the neighbour at number 9.

### **Town/Parish Council**

10. Radcliffe on Trent Parish Council do not object to the application.

### **Statutory and Other Consultees**

11. The Borough Council's Environmental Health Officer has no comment to make on the application.
12. Nottinghamshire County Council as Highway Authority have no objection in principle to this development, however, there are some highway safety concerns. The proposed access driveway off Cliff Drive for the new two storey dwelling is overly wide to serve a single dwelling at approximately 4.0m. The access should be provided at 2.75m wide to ensure the vehicles slow down before entering and leaving the highway, give way to pedestrians on the footway and prevent predestines from being required to cross a graded part of the footway that is wider than necessary. It is recommended that a minimum of 1.0m x 1.0m pedestrian visibility splays are provided at the access. The gates should be set back min. 2 metres from the public footpath in the interest of the pedestrian safety and to prevent the vehicles from temporarily blocking the footpath when the gates are being opened or closed. It is advised that the applicant seeks a separate confirmation, either from Building Control or Emergency Fire Services if the existing public rights of way footpath will require widening to allow emergency access to the bungalow. They also recommend a series of conditions.

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

13. 13 representations have been received objecting to the proposal and making the following points:

- a. All of the properties on the right hand side of the second part of Cliff Drive are single storey.
- b. The space allowed for parking on the plot is inadequate.
- c. There would be a total of four dwellings, one behind each other with inadequate space between them.
- d. Undesirable impact on the footpath.
- e. Road safety issue having another vehicular access opposite number 7 so close to the blind bend. To have another vehicular access so close to a blind bend significantly increases the possibility of an accident occurring.
- f. Over intensive form of development.
- g. Noise disturbance from drills, powered cutting machines, loud radios etc.
- h. Would make access to the second part of Cliff Drive difficult.
- i. Out of character with the surrounding properties which are single storey.
- j. Footpath not fit to meet modern standards for vehicle access.
- k. Loss of privacy to properties on Trent View Gardens.
- l. Overshadowing impact.
- m. Why is it acceptable to build the house so far outside the building line?
- n. Unsuitable access for emergency vehicles.
- o. The footpath should be accessible at all times during the build.
- p. There is a lot of development in this area, causing a lot of upset, distress and huge inconvenience.
- q. The two storey dwelling would overshadow the bungalow that it is proposed to build on the same site.

## **PLANNING POLICY**

- 14. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as 'Core Strategy') and the 5 saved policies of the Rushcliffe Borough Local Plan 1996 and the Radcliffe on Trent Neighbourhood Plan. Other material planning considerations include the National Planning Policy Framework (NPPF), the Rushcliffe Borough Non Statutory Replacement Local Plan (2006) and the Rushcliffe Borough Residential Design Guide.

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

15. The relevant national policy considerations for this proposal are those contained within the 2018 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.
16. In line with paragraph 130 of the NPPF, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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

17. None of the saved policies of the 1996 Local Plan are relevant in the determination of any application for residential development on this site.
18. Policy 1 of the Core Strategy sets out that the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy 3 (Spatial Strategy) promotes sustainable residential development through a policy of urban concentration. A settlement hierarchy for the District has been identified in order to achieve this. Radcliffe on Trent is identified as one of six Key Settlements for growth.
19. Core Strategy Policy 8 (Housing Size, Mix and Choice) states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create mixed and balanced communities. All residential developments should contain adequate internal living space.
20. The proposal should be considered under Core Strategy Policy 10 (Design and Enhancing Local Identity). Development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development should be assessed in terms of the criteria listed under section 2 of Policy 10, and of particular relevance to this application are 2(b) whereby development should be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.
21. Whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria) specifically GP2d, 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. Policy HOU2 (Development of Unallocated Sites) states that planning permission on unallocated sites will be granted provided that; there is no harm to the character or pattern of development; it would not extend the built up area; it

would not have an adverse visual impact; it would not result in the loss of buildings capable of conversion and worthy of retention; it is not in the open countryside; the site is in an accessible location.

22. The 2009 Rushcliffe Residential Design Guide advocates that rear gardens should be at a depth of 10m to the boundary, and gardens sizes should be 110sq metres for detached properties.
23. The Radcliffe-on-Trent Neighbourhood Plan was adopted in October 2017 and now forms part of the development plan for Rushcliffe. Of particular reference are policies 14 (Design and Layout), and 15 (Local Architectural styles) of the plan. These policies seek new development to make a positive contribution towards the identity and character of the village by reinforcing locally distinctive design and architecture taking account of scale, mass, layout, design and materials. Also of relevance is Policy 11 (Infill Development) which states that the design and layout of infill development requires careful attention to relate to its existing settlement context and character. Infill development should respect the existing massing, building form and heights of buildings within their immediate locality. Front and rear building lines should be continued where these are well established and clearly defined as part of the existing settlement pattern. Policy 12 (Housing Mix and Density) outlines that schemes of fewer than 10 dwellings should seek to provide 2-bed starter homes, bungalows for the elderly, and/or 1 and 2 bedroomed flat accommodation, suitable for a variety of occupiers.

## **APPRAISAL**

24. Located within an established residential area in the built up area of Radcliffe on Trent, it is considered that the principle of the development is acceptable, subject to other issues including residential amenity, parking/access, visual amenity and density. There is no objection to the demolition of the existing bungalow, which is of no great architectural merit and is not located within a Conservation Area.
25. The first part of Cliff Drive, before the bend in the road, is characterised by properties fairly densely built and set quite close to the road. It is acknowledged that this side of the second part of Cliff Drive is characterised by single storey dwellings, or dormer bungalows, set well back from the road, at a lower density. The two storey dwelling would be a lot larger in size than these properties, and by being positioned a lot closer to the road would be more prominent and imposing when approaching this second part of Cliff Drive. It would also be prominent in that this is the first plot after the bend in the road, so it would be visible from the first part of Cliff Drive and would also occupy higher ground. By being positioned much closer to the road it would disrupt the building line on this side of Cliff Drive, which is characterised by the smaller dwellings being set further back. The proposal would therefore disrupt the pattern of development contrary to policy HOU2 of the Replacement Local Plan. Furthermore, the proposal clearly conflicts with policy 11 of the Neighbourhood Plan, which requires front and rear building lines to be continued where these are well established and clearly defined as part of the existing settlement pattern.
26. Objections have been raised about the density of the development. The original bungalows on this side of Cliff Drive have generous plots. There are

also infill bungalows to the side and rear of the proposal site with smaller garden areas including 12b and 14b Cliff Drive. The bungalow and the two storey dwelling would both provide the minimum recommended amount of rear amenity space that each would require. However, the pattern of development on this side of Cliff Drive is that of smaller dwellings on large plots, often on plots larger than the proposal site, set back from Cliff Drive. By attempting to fit two dwellings on a plot the same size or smaller than these other plots that only contain one dwelling, would result in an arrangement out of keeping with the spacious character of the established dwellings. This is in addition to the two existing dwellings at 12A and 12B Cliff Drive located behind the proposal site. The proposal would result in four dwellings in a line forming a tandem style of development, which would be undesirable in this location. The proposal would result in an over intensive form of development which would be out of keeping with the character of development in the area. It should be noted a previous application for a bungalow to the rear of the existing dwelling was refused (03/00347/OUT) by reason of a cramped and over intensive form of development, with the subsequent appeal being dismissed.

27. On the original plans the new access off Cliff Drive was too wide at 4 metres. This would have reduced the likelihood of vehicles slowing right down and forced pedestrians to cross a graded area wider than necessary. The revised crossing is 2.75 metres which is acceptable for a single dwelling. In addition, the plans also show the provision of pedestrian visibility splays. The access has been positioned away from the tight corner on Cliff Drive. The work on the highway to form the new access would need consent from the local highway authority. A minimum of two parking spaces can be provided to serve the dwellings, which is acceptable. The revised plans now generally satisfy the requirements set out in the response from the Highway Authority.
28. The bungalow would use the access gained off the public footpath. This is not ideal, however the existing bungalow uses this access currently to park at the rear. Turning space would be provided within the site at the side of the bungalow to enable vehicles to leave the site onto the footpath in a forward direction. The gate would be positioned two metres away from the footpath to prevent it being completely blocked when vehicles stop to open the gate. This is not ideal, however there is already a gate next to the footpath. Concerns have been raised over the lack of width to the footpath for emergency vehicles. The width is less than the recommended 3.75 metres needed for emergency vehicles. However, the rear of the bungalow is less than 45 metres from the road (Cliff Drive) which is the maximum distance required. In addition, as the highway authority mentioned in their comments this is something the applicant should be required to check with building control or the fire service. A bin collection point has been added on the plans, as a refuse vehicle would not enter the footpath to collect the bins from the proposed bungalow.
29. There would be a separation distance of over 14 metres between the two storey dwelling and the bungalow. This is a sufficient distance to prevent overlooking and to also not result in an overbearing impact on the bungalow. The bungalow would be set away from the boundary with the neighbour at the rear and being single storey would not result in any overbearing impact to this neighbour. The proposal is over 3 metres from the boundary with the neighbour at number 14 Cliff Drive and this neighbour is set away from the boundary, with an intervening driveway to properties to the rear, and does not directly face the proposal. The proposed two storey dwelling would be set over 3 metres from

the boundary and in addition there is the footpath separating the proposal from the neighbouring properties on Trent View Gardens. There is also a boundary hedge to the side of the footpath. The neighbouring properties on Trent View Gardens have reasonably deep gardens. Whilst it would be possible to view the proposal from the rear of these properties, the separation distance is such that it would have a minor impact on the amenity of these neighbours. Overall, the proposal would have a minimal impact on the residential amenity to the neighbouring properties.

30. Given the issues raised regarding the density of the development and the conflict with the character of the area, particularly the section of Cliff Drive where the site is located, the proposal is considered to be unacceptable and in conflict with national and local planning policy.
31. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers in connection with the proposal, principally in relation to the concerns raised by the Highway Authority. However, there remains an objection to the proposal on grounds of the proposed number and layout of dwellings within the plot, which could not be overcome through further negotiations.

## **RECOMMENDATION**

It is **RECOMMENDED** that planning permission be refused for the following reason:

1. Due to the limited site area, the proposal to accommodate two dwellings on this site as proposed would result in the proposed two storey dwelling being located closer to the road than other properties on this section of Cliff Drive which, by reason of its position within the plot, design and size would be out of keeping with the character of development in the area. The two dwellings on the site would represent an over intensive form of development out of keeping with the spacious character of the area. It would, therefore, be contrary to Policy HOU2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan which states that planning permission for new unallocated development will normally be granted provided that, inter alia:
  - (a) The size and location of the site is such that its development would not detrimentally affect the character or pattern of the surrounding area of the settlement as a whole.

The proposal would also be contrary to Policy 11 (Infill Development) of the Radcliffe on Trent Neighbourhood Plan which requires, inter alia, that; "Infill development should respect the existing massing, building form and heights of buildings within their immediately locality. Front and rear building lines should be continued where these are well established and clearly defined as part of the existing settlement pattern."