

17/03015/FUL

Applicant Mr & Mrs Hall

Location 54 Park Lane Sutton Bonington Nottinghamshire LE12 5NH

Proposal Demolition of garage and remodelling of dormer bungalow to form two storey dwelling with side and rear extension.

Ward Sutton Bonington

THE SITE AND SURROUNDINGS

1. The application relates to a detached dormer bungalow located towards the southern edge of Sutton Bonington, to the west side of Park Lane, which is defined by linear development of detached properties all set within generous plots. The style and character of properties within the area are typically of post-war style and construction, varying in form and scale ranging between full two storey properties, to bungalows and dormer bungalows. The rear of the site is bounded by open countryside to the west and is situated opposite the junction between Park Lane and Willow Poole Lane to the east.
2. The application site is situated between a hipped roof bungalow to the south at 56 Park Lane and a dormer bungalow of the same form and scale at 52 Park Lane. 50 and 48 Park Lane to the north are full height two storey properties.

DETAILS OF THE PROPOSAL

3. The application seeks planning permission for the complete remodelling of a dormer bungalow to form a two storey dwelling with extensions to the front, rear and side elevations.
4. The proposal would increase the height of the property by 1.7m, measuring 4.9m to the eaves and 7.9m to the ridge, of a hipped roof form with a subservient frontage projection measuring 7.3m to the ridge. A single storey rear extension is proposed, spanning the full width of the rear elevation and projecting a maximum of 6.6m beyond the original rear wall of the dormer bungalow reducing to 1.5m. The proposal also includes a two storey side extension between the south elevation and the southern site boundary, measuring 11.2m in length reducing to 8.3m at first floor.

SITE HISTORY

5. Application ref: 84/01612/P1P – Insertion of bay window to front, approved October 1984.

REPRESENTATIONS

6. The application has been subject to negotiations and amendments during the application process and has, therefore, been subject to re-consultation following the receipt of amended plans.

Ward Councillor(s)

7. The Ward Councillor (Cllr Brown) objects to the proposal and comments, *“I object, this application is too overbearing and out of character with existing properties. The neighbours at no. 52 will be in continuous shadow.”*
8. Following the receipt of amended plans and a period of re-consultation, Cllr Brown provided the additional following comments, *“My objections remain the same as the original application. As well as the neighbouring property being cast in shadow. The application is out of character for the area and is over development of the plot.”*

Town/Parish Council

9. Sutton Bonington Parish Council responded to the initial consultation objecting to the proposal and commenting, *“We object to the proposal on the basis that the scheme does not comply with Rushcliffe Borough Council’s planning policy. The proposal will result in a significant loss of amenity to no. 52 Park Lane and be out of keeping with its context and have a negative impact on local character and distinctiveness.*
10. *The proposal will completely overshadow important parts of the neighbouring property for significant times throughout the year and is contrary to policy on extensions as noted in RBC’s Residential Design Guide. (We would note that whilst the application describes itself as a demolition, remodelling with a side and rear extension, it is fundamentally extending on all sides including upwards and therefore should be considered under RBC’s Residential Design Guidance Document)*
11. *1: Layout Form and Space: Privacy - The policy states that the section on Privacy and Amenity applies equally to extensions.*
12. *In the paragraph on Daylight and Sunlight the guidance states: “the loss of daylight and or sunlight can make a development appear overbearing or dominate existing properties”*
13. *It is our view that the proposal does result in a significant loss of daylight and sunlight and is therefore overbearing and dominates its neighbour no 52 Park Lane.*
14. *The guidance makes reference to the BRE’s publication ‘Site layout planning for daylight and sunlight’. It notes the 25 degree rule as a means of checking to see if daylight will be adversely affected. (We would note that the BRE guidance states that the reference line is from the middle of the lowest window rather than the 2m shown in RBC’s guidance).*
15. *No 52 has two side windows that directly face towards no 54. These windows are both longstanding (over 20 years) and will both be seriously affected by the proposal. If the 25 degree rule is applied to the ground floor side window then the proposal will be shown to cause a serious loss of daylight. We strongly suggest that planning officers should see this for themselves on site. (The Parish Council provided a sketch to illustrate this point which is available on the Borough Council’s website).*

16. *We recognise that a legal right of light is not a specific planning issue but RBC's guidance makes specific reference to it and thus it is a material consideration in this application.*
17. *It should be added that these particular windows are south facing and as such also allow direct sunlight to enter no 52's primary living space and upstairs bedroom. This is particularly relevant in the winter months.*
18. *2: Extensions generally - The policy states that: "extensions should be designed so that they are not readily perceived as 'add-ons' to the original building and therefore scale proportion and roof form are very important. However, as a general rule the style and design of the original dwelling should remain the dominant element with the extension subordinate to it"*
19. *In our view the proposal makes no reference to the original building and the introduction of gable ends clearly makes it a two storey building rather than a bungalow and as such it fails to follow RBC guidance.*
20. *3: Front extensions - The guidance states that: "front extensions should complement the existing street character..." and "Development proposals should relate to and respect the character of their context"*
21. *The current property is one of a distinctive row of 12 bungalows which together make a strong contribution to the character of the area. Unfortunately, the applicant's streetscape drawing, whilst helpful, does not extend far enough to each side. If it did, it would show how the proposal is out of character and would also highlight how, if the proposal were to proceed, no 52 would be uncomfortably and inappropriately sandwiched between two larger two storey properties.*
22. *4: Side Extensions - The guidance states: "even the construction of a first floor over a garage can have a detrimental effect on the street scene as the sense of light created by views of the sky between the buildings, over the garages, is lost. Issues can also arise where side extensions infill spaces and create a terracing effect where this is not an original characteristic of the street."*
23. *In our view the proposals fail to properly respect the current character in the light of the guidance quoted above.*
24. *5: Rear Extensions - The guidance states: "Overshadowing, loss of privacy, loss of light and any overbearing effect are the key issues when determining applications for rear extensions. The extension should respect the residential amenity of neighbours by ensuring it is not overbearing and does not overshadow their windows or gardens."*
25. *The current bungalow at no 54 is very close to the northern boundary and probably no more than a metre. Despite this, the proposal not only almost doubles the length of the property along this boundary but doubles the area of brick wall and increases the height by over 1.5m.*

26. *This means that the proposal is undoubtedly overbearing on its neighbour at no 52. Its location and size, in very close proximity to the northern boundary, causes a significant loss of both daylight and sunlight to windows, external patio and garden.*
27. *As a result, the proposal is contrary to RBC guidance in that it totally fails to respect its neighbour's amenity.*
28. *The application uses the 45 degree angle recommended within the guidance to set out the line of the proposed extension.*
29. *Unfortunately, the applicant hasn't taken into account the existence of two significant side facing windows at ground and first floor. These windows are original parts of the house and provide daylight and direct sunlight to key rooms. The ground floor window in particular makes a major contribution to the main living space in the house. (We note that the applicant appears to have undersized this side window on their plans)*
30. *In addition to this, the application proposal fails to take into account the ground floor window to the rear of the garage. The current use as a garage does not reduce the significance of this window. Not only has it been in existence for over 20 years it also serves as a space that is used as a workshop and has the ability to be used for a wide range of residential uses. As a result, the 45 degree guidance should be taken from this window.*
31. *6: Conclusion - The proposal for no 54 Park Lane is, in our view, contrary to planning policy and if built would result in a significant loss of amenity to no 52 Park Lane and be out of keeping with its context and have a negative impact on local character and distinctiveness.*
32. *What we fail to understand is why the form of the development has to locate the tallest and widest part of the proposal on the most northern part of the plot only a metre from the boundary. This ensures the worst possible outcome for its neighbour at no 52. A redesign to relocate accommodation close the southern boundary seems to be eminently possible.*
33. *We also note that despite the size of the proposal the applicant has not provided a Design and Access Statement to explain the thinking behind the design and has similarly provided no sunpath analysis showing the impact of the proposal on overshadowing on the neighbouring property through the year."*
34. *Following receipt of amended plans, Sutton Bonington Parish Council provided the following comments, "We object to the proposal on the basis that the scheme does not comply with Rushcliffe Borough Council's planning policy.*
35. *The proposal will result in a significant loss of amenity to no. 52 Park Lane and be out of keeping with its context and have a negative impact on local character and distinctiveness.*
36. *The proposal will significantly overshadow important parts of the neighbouring property throughout the year and is contrary to policy on extensions as noted in RBC's Residential Design Guide.*

37. *(We would note that whilst the application describes itself as a demolition, remodelling with a side and rear extension, it is fundamentally extending on all sides including upwards and therefore should be considered under RBC's Residential Design Guidance Document).*"
38. The Parish Council repeated their assessment of the proposal against the criteria in the Residential Design Guide, as detailed above.

Statutory and Other Consultees

39. No comments have been received.

Local Residents and the General Public

40. During the first period of consultation two letters of objection were received from the occupiers of nos. 52 and 56 Park Lane raising the following concerns:
- a. Loss of light, overshadowing and overbearing due to the height and mass in close proximity to boundaries.
 - b. Overlooking due to the proposal being too close.
 - c. Out of scale and character with neighbouring residential properties.
 - d. Loss of property value.
41. Following the receipt of amended plans and a second consultation period, the following further comments were received from both neighbouring properties at nos. 52 and 56 Park Lane:
- a. No discernible change to the plans as originally submitted.
 - b. The proposal remains too high, too close and too long.
 - c. The proposal does not fit with the neighbouring buildings.

PLANNING POLICY

42. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996. 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 (2009).

Relevant National Planning Policies and Guidance

43. 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 should be considered under section 7 of the NPPF in terms of promoting

good design, particularly the criteria outlined in paragraph 58 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 64, 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

44. Policy 1 of the Core Strategy sets out 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. 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.
45. None of the five saved policies from the 1996 Local Plan apply to this application.
46. 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(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.
47. The Residential Design Guide (2009) is a material consideration in determining applications. This 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 key considerations.

APPRAISAL

48. The site is located within the built up area of the village and proposes extensions and alterations to an existing residential property. There is no objection raised to the principle of development. The key considerations are, therefore, the design, scale and appearance and the impact on the character of the area and the amenity of neighbouring residential properties.

Design and Impact on the Character of the Area

49. In terms of considering the impact on the character and appearance of the area, the surrounding area is considered to have an eclectic mix of property

forms, styles and scales. The application site is situated between a hipped roof bungalow to the south and a dormer bungalow to the north. It is noted that full two storey properties are located beyond the neighbouring property to the north at 48 and 50 Park Lane, which are of a similar scale and form as the proposed extended property at 54 Park Lane.

50. Whilst objections have been received with regard to the scale exceeding the height of the immediate neighbouring properties and, therefore, being out of keeping with the surrounding properties, the presence of other two storey properties within the immediate locality mean that it would not be out of character with the scale and form of properties within the wider area. Nor is it considered that the proposal would consume a disproportionate amount of the plot such as to be considered an unacceptable overintensive form of development. It is considered that the amount of development on the plot is comparable to that of neighbouring properties elsewhere along this section of Park Lane.
51. Negotiations and amendments to the design have taken place over the course of the application, most notably the reduction in the mass of the roof form from a gable ended design to a more subservient hipped roof design, that is considered to sufficiently reduce the scale, mass and bulk of the proposal and better integrates the proposed property between the two neighbouring properties. In addition, the scale and design of the two storey front and rear projections have been amended so as to be less dominant. It is considered that the design and appearance of the proposal would not harm the character of the area and, therefore, accords with Policy 10 of the Core Strategy and Policy GP2 of the Non-Statutory Replacement Local Plan.

Residential Amenity

52. Objections have been received due to concerns of loss of residential amenity; specifically loss of light, overbearing, and overshadowing impacts to the neighbouring residential properties.
53. The neighbouring occupiers of 52 Park Lane have objected to the proposal on grounds of loss of light and overbearing, with specific reference made to the side, south facing windows of their property. Sutton Bonington Parish Council has also objected to the proposal, raising concerns over the impact of the proposal on the amenity of the occupiers of 52 Park Lane. The property at no. 52 contains two windows, one at ground floor and one at first floor, in the south elevation positioned 3.5m from the proposed north (side) elevation of the application property. The window at ground floor serves a rear living room which also benefits from a further large glazed window to the west elevation. The first floor bedroom window is also served by a further dormer window to the front elevation. Therefore, the proposal would not unduly impact on the light to the rooms served by these windows in the south facing elevation of no. 52 Park Lane, and given the secondary nature of the windows in question it is not considered that refusal of planning permission on grounds of loss of light to these rooms could be justified.
54. The proposal includes a single storey rear projecting orangery which would project beyond the rear elevation of no 52 Park Lane by 3 metres. The proposed rear element would measure 2.3m in height to the eaves and 3.6m to the ridge, with a hipped roof that falls away towards the boundary, with a

separation distance of 3.5m between side elevations. It is considered that the scale and positioning of the proposed single storey rear orangery would not adversely impact on the living conditions and amenity of the occupiers of 52 Park Lane and the rear extension would not exceed the 45 degree angle when taken from the habitable rear elevation windows to no. 52. Furthermore, the eaves would not exceed 3m in height and the ridge would not exceed 4m in height and the extension would project 6.6m beyond the rear elevation. Therefore, under class A of the Town and Country planning General Permitted Development Order (2015) such an extension would be deemed to be permitted development, subject to a prior notification procedure.

55. Similarly, the front extension would not extend beyond the 45 degree angle taken from the centre line of the front elevation living room window to no. 52 and, therefore, would not unduly impact on access to light or outlook from within these rooms. Reference has been made within objections received that the proposal would result in loss of light to a window within the rear elevation of the attached garage to 52 Park Lane. The objection also states that the garage may in the future be converted to living space. The garage is not a habitable living space at the present time and, therefore, the proposal as considered would not unduly impact on the amenity of the neighbouring occupiers and therefore the application should be determined on its merits at the time of determination. Furthermore, the Parish Council state within their objection that the 45 degree angle should be applied to the rear garage window. Whilst it is accepted that the proposed single storey rear extension would project beyond the 45 degree angle when measured from this window, it is not a habitable room window and, therefore, it could not be reasonably expected that the development should safeguard light or outlook to the garage window as this would not unduly impact on the amenity and living conditions of the neighbouring occupiers at no 52 Park Lane. The Parish Council have also stated in their objection that a Design and Access Statement nor a Sun Path Analysis has been submitted with the application. Neither of these documents are a formal validation requirement for an application of this type and are not considered in this instance to be necessary in order to arrive at an informed judgement when considering the design of the proposal and the potential impact in terms of access to sunlight to the neighbouring property at 52 Park Lane.
56. A first floor side elevation window is proposed within the side (north) elevation to serve a bathroom. It is recommended a condition is imposed on any permission that requires the window be obscure glazed and retained as such in order to safeguard the privacy of the neighbouring occupiers at 52 Park Lane.
57. The application has also attracted an objection from the neighbouring property at 56 Park Lane. It is acknowledged that the two storey side extension would bring the application property up to the boundary shared with no. 56. However, the north elevation of the neighbouring property does not contain any habitable room windows which would be adversely affected by the scale and mass of the south elevation of the extended property. Furthermore, 56 Park Lane is situated south of the application property and, therefore, it would not result in overshadowing of this property. Concerns regarding overlooking are acknowledged, however, the proposal does not include any windows that would allow for any additional unacceptable direct

overlooking. The neighbouring objector at no. 56 raises specific concern over loss of privacy to their conservatory. However, the north elevation of the subject conservatory is enclosed by a brick wall and the roof is covered with opaque glazing and does not afford views directly into the neighbouring property and, therefore, adequately preserves the neighbouring occupiers' privacy.

58. It is not considered that the proposal, if approved, would result in an unacceptable loss of privacy, light, outlook or result in unacceptable overbearing to either of the adjoining neighbouring properties or the occupiers of the application property. It is considered, therefore, that the proposal accords with Policy 10 of the Core Strategy and Policy GP2 of the Non-Statutory Replacement Local Plan in terms of the impacts on residential amenity.

Other Matters

59. Whilst the proposal seeks to increase the size of the property, the property currently benefits from a large area of hardstanding to the front which provides sufficient parking for the increased size of dwelling and potential number of inhabitants. Therefore, there is no objection to the proposal on grounds of highway safety or parking.
60. The grounds for objection raised by neighbouring property occupiers include impact on property value, this is not a material planning consideration and cannot be afforded any weight in the determination of this application.

Conclusions

61. In conclusion, it is considered that the proposal would not represent an incongruous or discordant feature within the street scene as the scale and form relates well to other properties within the immediate locality and, therefore, would respect the character and appearance of the area.
62. Whilst it is acknowledged that the proposal represents a substantial increase in the size of the existing property, it is considered that the proposed size of the building is proportionate to the size of the plot and the surrounding group of buildings.
63. It is not considered that the proposed increase in scale and mass of the building would unduly impact on the residential amenity of neighbouring properties to an extent that would be sufficient to substantiate a robust reason to refuse the application and accordingly does not conflict with Policy 10 of the Core Strategy, GP2 of the Non-Statutory Replacement Local Plan and the Rushcliffe Residential Design Guide Supplementary Planning Document.
64. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and to respond to concerns 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 and the recommendation to grant planning permission.

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 plans ref. 17/437/02b, 17/437/03b, 17/437/04b received on 8th March 2018

[For the avoidance of doubt and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

3. The external materials and finishes shall be as specified within the submitted application and as shown on the approved drawings

[For the avoidance of doubt and 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]

4. The first floor window in the north elevation of the proposed development shall be permanently obscured to Group 5 level of privacy or equivalent. Thereafter, the window shall be retained to this specification unless otherwise agreed in writing by the Borough Council

[To ensure a satisfactory development in the interests of amenity and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]