

19/02316/FUL

Applicant Mr C Spencer

Location 36 Orford Avenue Radcliffe On Trent Nottinghamshire NG12 2DD

Proposal Single Storey rear extension with new pitch roof over existing garage and porch.

Ward Radcliffe On Trent

THE SITE AND SURROUNDINGS

1. The application relates to a two storey detached dwelling of traditional construction, being red brick with a dark concrete tile roof. It is located on a modern 1950's/60's housing estate within an established residential area of Radcliffe on Trent in an area of dwellings of a similar age and style.

DETAILS OF THE PROPOSAL

2. The current application seeks planning permission for a single storey rear extension with a new pitched roof over an existing garage and porch.

SITE HISTORY

3. There is no planning history on the property, however there is an existing conservatory at the rear, most likely built pursuant to permitted development rights.

REPRESENTATIONS

Ward Councillor(s)

4. One Ward Councillor (Cllr Brennan) objects to the proposal stating *"I do not support this application. It is likely to be over-bearing to the neighbouring property at 38 Orford Avenue and represents an over-intensive development given the size of the plot."* Following submission of revised plans confirming the site layout as existing, Cllr Brennan maintained her objection to the proposal.
5. One Ward Councillor (Cllr Upton) objects to the proposal stating *"I OBJECT to this planning application, because in my opinion, the size, scale, height and length of the proposed rear and side extension will be overbearing and overshadowing to the adjacent property (38 Orford Avenue), and it is over-intensive development for the size of the curtilage."*

Town/Parish Council

6. Radcliffe on Trent Parish Council object to the proposal on the grounds of over-shadowing and over-bearing

Local Residents and the General Public

7. Representations have been received from the residents at 38 Orford Avenue and 33 Whitworth Drive objecting to the proposal on the following grounds:
 - a. The proposed extension overbearing in relation to the current property footprint, and their own garden and property in regards to length and height.
 - b. It will create a terraced effect at 90 degrees to the existing rear profile along the length of the neighbouring garden (like a new bungalow being constructed perpendicular to existing).
 - c. The proposal will dominate the outlook.
 - d. Pitch roof design dramatically increases its visual footprint.
 - e. Bedroom window would cause a loss of privacy.
 - f. Queries and concerns regarding the line of the large diameter Severn Trent combined sewer that services Orford Avenue
 - g. Mature trees within 30m of the proposed build will most likely impact on the required depth and construction of the footings.
 - h. Building work so close to neighbouring properties would cause disruption.
8. The neighbour at no. 38 Orford Avenue requested that the case officer visit his property to view the application site. During the site visit for the application the neighbour's property was visited and the impact assessed.
9. On receipt of revised plans of the existing elevations showing recently removed structures the neighbour at no. 38 Orford Avenue commented; *"The revised block plans show items that are not there anymore. The old timber flat roof shed that was there was only 8" higher than the existing 6 ft fence. On the revised plan this is shown as an "outhouse" and shown as brick on the plan - this was not the case. It's height in relation to the existing conservatory extension was not the case. The greenhouse was set lower than shown. Our previous comments remain."*

PLANNING POLICY

10. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy 2014 and The Rushcliffe Local Plan Part 2: Land and Planning Policies 2019. The Radcliffe on Trent Neighbourhood Plan also forms part of the Development Plan when considering applications within the Neighbourhood Plan area. The overarching policies in the National Planning Policy Framework (the NPPF) are also relevant, particularly where the Development Plan is silent. Additionally, the Rushcliffe Residential Design Guide 2009 as a Supplementary Planning Document is a material consideration.

Relevant National Planning Policies and Guidance

11. The NPPF carries a presumption in favour of sustainable development and states that, for decision taking, this means “approving development proposals that accord with the development plan without delay”. Importantly, the NPPF requires that planning permission be granted “where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date” unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed or any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
12. Chapter 12 of the NPPF concerns achieving well-designed places. Specifically, it requires that 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. Development should also be visually attractive as a result of good architecture, layout and landscaping and should be sympathetic to local character and history and maintain a strong sense of place. Importantly, 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. However, where the design of a proposed development accords with clear expectations of plan policies, design should not be used by decision makers as a valid reason to object to the development.

Relevant Local Planning Policies and Guidance

13. Policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy 10 of the Core Strategy states, *inter alia*, that all new development should be designed to make a positive contribution to the public realm and sense of place and reinforce valued local characteristics. Of particular relevance to this application are 2(b) whereby the proposal should be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing
14. In setting out the development requirements for the Borough, policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies broadly echoes policy 10 of the Core Strategy. Specifically, it states that planning permission will be granted for extensions provided that there is no significant adverse effect upon the amenity of adjoining properties or the surrounding area; and the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. Extensions should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy.
15. The Radcliffe on Trent Neighbourhood Plan contains policies on design matters but none are directly relevant to the current proposal.
16. Consideration should also be given to the supplementary guidance provided in the Rushcliffe Residential Development Guide which suggests that the style and design of any extension should respect that of the original dwelling and

should not dominate over it. The Guide also requires that extensions should be designed so that they are not readily perceived as merely 'add-ons' to the original building and therefore scale, proportion, and roof form are very important.

APPRAISAL

17. The dwelling sits on an ample sized plot, slightly larger than its immediate neighbours and it is not considered that the proposal would lead to an over-intensive or cramped development, ample garden and circulation space remaining.
18. It is accepted that the proposed extension has a fairly long projection of 7.5m beyond the rear elevation of both 38 and 36 Orford Avenue and this is the main reason for the objections that have been received.
19. The extension would be partly positioned on the site of a former outbuilding and green house that sat adjacent to the shared boundary (which had already been removed when the case officer visited the site). The outbuilding was timber with a flat roof height of circa 2.3m running for a length of 3.3m along the shared boundary. The outbuildings removed would have had limited impact.
20. The eaves and side elevation of the proposed extension would be set in c.1m from the shared boundary with no. 38, giving a c.2.5m separation distance from the extension in line with the side elevation of no. 38. The eaves of the extension would be 2.2m high, only 20cm higher than the existing fence, and the roof would have a very shallow pitch with a maximum height of 3.2m, the highest ridge point being 2.4m off the boundary.
21. It is considered that the separation distance and the relatively low roof height of the extension would help alleviate any over-bearing impact. It should also be considered that an extension with a lesser projection but with a ridge height of up to 4m could, subject to certain other criteria, be built adjacent to the boundary without planning permission, potentially creating a much more over-bearing structure than that proposed.
22. There is a set of patio doors on the rear elevation of no. 38 Orford Avenue serving a dining room. These doors are c. 2.9m off the shared boundary. The boundary consists of a 2m high close boarded fence and the former outbuilding at no. 36 sat adjacent the patio doors. The dwellings are on a diagonal orientation with one another and although there may be an element of over-shadowing later in the day towards these patio doors, any over-shadowing would not be direct. When the 45° guide is applied to the extension in relation to the patio doors it fails on the horizontal and passes on the vertical.
23. The 45° guide helps assess the over-shadowing/loss of light impact of a structure on the nearest neighbouring window. In this case given that the extension does not fail in both the horizontal and the vertical it is not considered that any loss of light or overshadowing would have an unacceptable negative impact on the amenities of no. 38 Orford Avenue. Furthermore, it should be noted that the 45° guide is generally only applicable to 2 storey extensions or higher or if there are significant changes in level.

24. There are no principal windows proposed in the south-east elevation facing the boundary with no. 38 Orford Avenue but there would be a repositioned small window serving a relocated toilet (this in itself would not require planning permission). A small window in the rear south-west elevation facing the boundary with no. 33 Whitworth Drive would serve a bedroom. This boundary consists of a 2m high close boarded fence and mature tree and shrub planting and the window would be 10m from this boundary and 25m from the rear elevation of no. 33 Whitworth Drive.
25. The principal window in the extension would be on the inner side elevation facing towards the boundary with no. 34 Orford Avenue, 8.9m away. This boundary consists of a 2m high close boarded fence. It is not considered that the proposed extension would lead to any undue over-looking or loss of privacy towards nearby dwellings.
26. The proposal would see the roof of the proposal continued as a mono-pitch roof over the existing flat roof garage at the side of the property and round on to the front elevation over the existing flat roofed porch. It is considered that this new roof would not have a detrimental impact on nearby dwellings or the street scene in general and would not be incongruous within the street scene, improving the look of the dwelling from the public realm.
27. Whilst, subject to all other considerations, a lack of private amenity space can be an indicator of overintensive development, in this instance, the proposal would retain a rear garden area of approximately 214 sqm, well in excess of the guideline figure in the Residential Design Guide and considered adequate to serve a property of the resultant size and accommodation. Therefore, it is not considered that the proposal represents overintensive development and refusal on these grounds could not be sustained.
28. The issue regarding Severn Trent sewers is not a material planning consideration and building near or over such infrastructure would be subject to a separate consent regime administered by the statutory undertaker. Furthermore, the depth and construction of the footings and disruption caused by building work are not planning issues and do not have any weight when considering an application.
29. On balance it is considered that the proposed extension would not have an unacceptable impact on the amenities of neighbouring dwellings in terms of over-shadowing, loss of privacy or over-bearing, over and above those impacts resulting from the previous layout. Materials would match those of the existing dwelling and this is considered acceptable.
30. The applicant's agent was informed of the objections and was asked to consider an amendment to the plans to address neighbour's concerns as a matter of courtesy. The applicant did not wish to amend the plans, however it is considered that scheme as submitted is acceptable without amendment.

RECOMMENDATION

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

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plan(s): A103(1), A104(1) and A105(1).

[For the avoidance of doubt and to comply with Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

3. The extension(s) hereby permitted shall be constructed in suitable facing and roofing materials to match the elevations of the existing property.

[To ensure the appearance of the development is satisfactory and to comply with Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].