

# 19/02780/FUL

**Applicant** Mrs Lindsay Harris

**Location** 14 Brookside Avenue East Leake Nottinghamshire LE12 6PA

**Proposal** Front porch; demolition of garage and erection of single story side and rear extension; roof alterations including increase in height, front/ rear box dormer window and rooflights to front elevation to facilitate accommodation in the roof; external render and timber cladding

**Ward** Leake

## THE SITE AND SURROUNDINGS

1. The properties along Brookside Avenue are primarily single storey bungalows, however a number have had alterations and dormers inserted within the roofspace to facilitate accommodation at first floor level. Brookside Avenue rises up from the Brookside junction, therefore the properties are staggered in height as you travel westerly along the avenue.
2. Number 14 Brookside Avenue is a brick built detached bungalow within the built up area of East Leake. There is a garden to the rear of the property approximately 16.5m in depth from the existing rear elevation, with a width of 16.6m. There is a 1m wide footpath on the western side of the property and to the east No 14's garage wall forms part of the boundary with no 12 and the remainder is made up of fencing.
3. Number 16, to the west of the site, has a large dormers to the front and rear. Its garage and a single storey rear extension form part of the boundary with the application site (no facing windows are present). The rear extension extends beyond the rear elevation of the application site property. The remainder of this boundary is comprised of a fence. No 16 is on a slightly higher level than the application site. To the east of the application site is no. 12 which is a single storey bungalow. This property also has a rear projection that extends beyond the rear elevation of the application property.
4. To the rear of the property are single storey bungalows on Leivers Close. No. 23 and 21 are approximately 30m from the existing rear elevation of the property. There is a 2m high boundary fence defining the boundary of the application site with these properties.

## DETAILS OF THE PROPOSAL

5. The application seeks planning permission for a front porch; demolition of garage and erection of single story side and rear extension; roof alterations including increase in height, front/ rear box dormer window and rooflights to front elevation to facilitate accommodation in the roof; external render and timber cladding.
6. During the course of the application a number of changes have been made to the proposal including the increase in the overall ridge height of the property,

reduction in the height of the parapet walls to the flat roof extension, rear first floor door access altered together with removal of the roof terrace.

7. In respect of the proposal now under consideration the side/rear extension would start further back down the side of the bungalow than the existing garage. It would measure 2.592m extending back by 6.06m (4.5m when measured from the rear of the existing dwelling). It is proposed to extend the full width of the existing property having a resulting width of 12.770m. It would have a parapet height of 2.75m, two rooflights would be positioned within the flat roof area to serve the new ground floor accommodation. The resulting garden depth would be 12.3m.
8. The proposal also proposes to raise the ridge of the property to 5.1m in height (measured from dpc level), an increase of 375mm, incorporate 2 rooflights on the front elevation, and a dormer that spans the front and rear roofslope. The dormer would not, therefore, project above the new ridge height. No windows are proposed in the front element of the dormer. The rear dormer would be the full height of the roof and incorporate windows and a Juliet inward opening door and screen on the rear.
9. The proposed front porch would measure 0.9m x 2.24m x 2.645m in height having a flat roof. A side bedroom window is also proposed to be introduced at ground floor facing the side wall of number 12, which does not contain any windows. Other window alterations are proposed to the front elevation.
10. The walls of the existing and proposed alterations are to be clad in white render and timber with grey aluminium windows and doors and grey concrete roof tiles.

## **SITE HISTORY**

11. There is no relevant planning history for the site.

## **REPRESENTATIONS**

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

12. One Ward Councillor (Cllr Thomas) objects to the application. *“This is an area where bungalows back onto bungalows and this proposed large extension is inconsistent with the neighbourhood in terms of massing, scale and proportion. With the full height windows at the rear there would be significant impact on the amenity of neighbours to the side and at the rear. The "terrace" structure remains shown in the plans despite the addition of the Juliet balcony, and should this application be approved, a condition would be needed to prevent the flat roof being used as outdoor space.”*
13. One Ward Councillor (Cllr Way) initially objected to the application on the grounds of an over-intensive development for the area and the lack of privacy afforded to neighbours, particularly with the roof terrace and windows and doors in the rear of the roof extension. However, following clarification that the revised plans involved the removal of the roof terrace she commented that; *“I am reasonably happy with the application if there is assurance that the property will not be developed in a way that compromises the privacy of neighbours. I realised that the balustrade had been removed but had concerns that this could*

*be reinstated at a later date. If a condition that the flat roof cannot be used as a terrace in the future is added, I am happy to withdraw my objection.”*

### **Town/Parish Council**

14. East Leake Parish Council object on the grounds that concern was expressed that a balcony would cause loss of privacy to neighbours and that a bungalow style should be maintained.

### **Statutory and Other Consultees**

15. None sought.

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

16. 2 representations have been received raising the following concerns:
  - a. Overlooking.
  - b. Strongly object to a roof terrace or balcony.
  - c. No objection to the extension at number 14 apart from it being quite large for the property coming out slightly further than existing neighbouring property.
  - d. It would affect the light slightly in kitchen of neighbouring property as window is close to the boundary fence.
  - e. No objection to the dormer windows.
  - f. The development of Leivers Close required bungalow properties to the rear of Brookside to prevent impact on privacy from potential 2 storey detached builds.

### **PLANNING POLICY**

17. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as the 'Core Strategy') and The Rushcliffe Local Plan Part 2: Land & Planning Policies (referred to herein as the 'Local Plan Part 2') and, in the case of the East Leake area, the East Leake Neighbourhood Plan. The National Planning Policy Framework (NPPF) is a material consideration in the determination of applications.

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

18. 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.
19. The proposal should also be determined in accordance with section 12 (Achieving well-designed places), particularly the criteria outlined in paragraph 127. 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.

## Relevant Local Planning Policies and Guidance

20. Policy 1 of the Core Strategy reinforces a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
21. Policy 10, Design and Enhancing Local Identity, states that development should make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce valued local characteristics. Development should be assessed in terms of the criteria listed in section 2 of policy 10. Of particular relevance to this application are the following paragraphs of this policy:
  - 2b) The impact on the amenity of occupiers or nearby residents.
  - 2f) The massing, scale and proportions of a proposed development; and
  - 2g) The proposed materials, architectural style and detailing.
22. Policy 1 (Development Requirements) of the Local Plan Part 2 is relevant to the determination of this application. This states, amongst other things, that there should be no significant adverse effect upon the amenity, particularly residential amenity, of adjoining properties or the surrounding area by reason of the type and levels of activity on the site or traffic generated; that sufficient space should be provided within the site to accommodate the proposal together with ancillary amenity and circulation space; that the scale, density, height, massing, design, layout and materials of proposals should be sympathetic to the character and appearance of neighbouring buildings and the surrounding area; that they do not lead to an over-intensive form of development; and that they are not overbearing in relation to neighbouring properties, and do not lead to undue overshadowing or loss of privacy.
23. The 2009 Rushcliffe Residential Design Guide provides guidance on the style and design of an extension, stating it should respect that of the original dwelling and should not dominate over it. Extensions should be designed so that they are not readily perceived as merely 'add-ons' to the original building and therefore scale, proportion and roof form are very important.
24. The East Leake Neighbourhood Plan was adopted on 19 November 2015. The East Leake Neighbourhood Plan forms part of the Development Plan for Rushcliffe and is therefore a material consideration in decision making. Paragraph 30 of the NPPF states that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently. None of the policies within the plan are of direct relevance to the current proposal.

## APPRAISAL

25. The dwelling sits on an ample sized plot and it is not considered that the proposal would lead to an over-intensive or cramped development, ample garden and circulation space would be maintained as a result of this development.

26. The proposed materials would introduce new materials in the vicinity. Whilst it would not be particularly in keeping with the materials used on either the host bungalow or indeed the majority of the other buildings in the vicinity, it is not considered that these changes visible from the public realm would have negative impact on the street scene or the area in general.
27. The single storey side/rear extension would have a projection to the rear of 4.5m. This would run along the boundary with the adjacent dwelling to the east, no. 12 Brookside Avenue, and around 1m off the boundary with number 16 to the west. The proposed rear extension would terminate roughly in line with the existing rear extensions/projections on both no's 12 and 16 adjacent the application site. It is considered that the proposed extension would not have an adverse impact on these properties by way of loss of light or overbearing impact.
28. The proposed increase in ridge height and inclusion of a dormer to the front/rear, together with 2 rooflights to the front roofslope, whilst having a different appearance to the other properties along the street, there are a number of properties that do have dormer windows and, therefore, it is not considered that the proposal would have a significant negative impact on the street scene or the area in general.
29. Concern has been expressed regarding the possible overlooking that would result from the introduction of a roof terrace and dormer window to the rear of the property. The Town and Country Planning (General Permitted Development) Order 2015 permits alterations to the roof of a dwelling, subject to certain conditions. These 'permitted development rights' would permit a dormer window on the rear of a dwelling, providing that, amongst other things, the alteration is no higher than the existing roof. This can result in some substantial additions to the roof which would not require the submission of an application to the Borough Council, including a dormer window across the width of the roof which extends out from the ridge and drops down onto the wall plate, close to the eaves of the roof. Therefore, a dormer similar to that proposed in the current application could potentially be built as permitted development. This would represent a fallback position and carries weight in considering the current proposal.
30. The proposal was amended during the course of the application so as to remove the roof terrace. The revised plans, whilst retaining the flat roof to the extension, show a reduction in the height of the structure, by reducing the height of the parapet wall around the roof, and the removal of the glazed balustrade around the roof. The plans show a Juliet balcony with a balustrade across the door opening and this should prevent people stepping out on to the roof. It is considered that a condition restricting the use of the flat roof area, so as to not any time be used as a balcony/roof terrace, would ensure that the reasonable amenities of adjacent properties would be protected from overlooking and potential noise disturbance from this large area being used in such a way.
31. The resulting window and Juliet balcony would serve an en-suite and a bedroom and would result in obscure views of the adjacent properties across the roofs of their rear projections, to the rear garden areas. They would be positioned approximately 17m from the rear boundary (25m) to the rear elevations of properties on Leivers Close. The front roof lights would serve the

hall and staircase and be approximately 23m from the front elevation of no 11 opposite. It is considered that the oblique views and resulting distances of the first floor/roof windows/door to adjacent properties would not result in significant adverse overlooking impacts.

32. The proposed front porch, ground floor side window and window alterations to the front elevation are not considered to have an adverse impact on the street scene, or adjacent occupiers.
33. In light of the above, it is considered that the proposed building would be in conformity with policy 10 of the RLPP1 and policy 1 of the RLPP2 in respect of its impact upon the amenities of occupiers of neighbouring properties and the street scene.
34. 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 and the recommendation of granting 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 following approved plans:

REV A\_(08) 001 - O.S. SITE LOCATION AND LAYOUT  
(08) 004 - PROPOSED GROUND FLOOR LAYOUT  
REV A\_(08) 005 - PROPOSED FIRST FLOOR LAYOUT  
REV A\_(08) 006 - PROPOSED ELEVATIONS

[For the avoidance of doubt having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

3. The materials specified in the application shall be used for the external walls and roof of the development hereby approved and no additional or alternative materials shall be used.

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies.]

4. The flat roof area of the single storey rear extension hereby approved shall at no time be accessed and used as a balcony/roof terrace.

[To ensure the appearance of the development is satisfactory, to protect residential amenity and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no additional windows, doors or openings of any kind shall be formed in the rear elevation(s) at upper floor levels of the approved development.

[To ensure the appearance of the development is satisfactory, to protect residential amenity and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Borough Local Plan Part 2 : Land and Planning Policies].

### **Notes to Applicant**

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is not CIL chargeable, as \*\*\*\*. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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.

It is possible that the roofspace, and/or behind the soffit, fascia boards, etc. may be used by bats. You are reminded that bats, their roosts and access to roosts are

protected and it is an offence under the Countryside and Wildlife Act 1981 to interfere with them. If evidence of bats is found, you should stop work and contact Natural England on 0300 060 3900 or by email at [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk).