

# 20/00240/FUL

**Applicant** Mr R Combellack

**Location** 17 Bollards Lane Sutton Bonington Nottinghamshire LE12 5PA

**Proposal** Two storey front extension, and two storey side extension over existing garage and utility, and rendering of existing dwelling. (Resubmission)

**Ward** Sutton Bonington

## THE SITE AND SURROUNDINGS

1. The application relates to a two storey detached dwelling occupying a position set back off the corner of Bollards Lane with access via a driveway running between Nos. 15 and 23 Bollards Lane. The two storey element of the dwelling has a reversed 'L' shaped footprint. There is a long single storey front projection. Both the main dwelling and front projection are faced in render with a pantile roof. The dwelling is significantly elevated relative to the driveway, with a basement under the main dwelling and a landscaped terraced area to the front corner of the site. There is a detached brick garage to the south west side of the dwelling which is level with the basement. The site falls away to the west (side) and north (rear). The site is enclosed by mature tree screening limiting views from the highway.
2. A public footpath runs along the driveway before following the east boundary of the site, this path links between Bollards Lane and Marle Hill. There is a railway cutting immediately to the east. The site falls within the Sutton Bonington Conservation Area. The Townscape appraisal does not identify any key views across the site and the dwelling is not identified as a key unlisted building.

## DETAILS OF THE PROPOSAL

3. The application seeks planning permission for a two storey front extension incorporating the existing single storey projection, and a two storey side extension over the existing garage. The two storey front extension would measure a maximum of 6.6 metres in width, projecting 16.3 metres forward of the main dwelling frontage and 7.4 metres forward of the existing single storey projection. At the front of the extension the plans show a perpendicular roof line forming a two storey gable to the east and west elevations. The west elevation of the extension would feature a first floor balcony. The extension would measure 4.5 metres to the eaves and 6.9 metres to the ridge, the side gables would measure 7.5 metres to the ridge.
4. The proposed side extension would project 8.8 metres from the side of the existing dwelling, extending over the existing garage. There would be a small front projection above the garage with a monopitch roof over. The roof would step down relative to the existing dwelling, measuring 6.9 metres to the eaves and 9.5 metres to the ridge. Due to the fall in levels, the west end gable would be three storeys in height. The extensions would be faced in off- white render to match the existing dwelling with a tiled roof to match the existing, the garage

level would be faced in brick. The existing dwelling would be faced in external insulated render to match the existing colour.

## **SITE HISTORY**

5. Application ref: P1/89/0581/P - Erection of double garage. Granted in 1989.
6. Application ref: 19/00666/FUL - Two storey front extension, and two storey side extension over existing garage and utility, and rendering of existing dwelling. Withdrawn in 2019.

## **REPRESENTATIONS**

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

7. No representations received

### **Town/Parish Council**

8. No representations received

### **Statutory and Other Consultees**

9. Network Rail have no observations to make.
10. The Rights of Way Officer does not object, noting that the footpaths in the vicinity would not be affected by the development. Footpath no 8 is located upon the main access driveway to 17 Bollard's Lane and therefore any construction works carried out should not obstruct the public access to the right of way.
11. Nottinghamshire County Council Archaeology commented that the site has been checked against the County Historic Environment Record and they have no observations or recommendations to make.
12. The Conservation Officer commented that the site is hidden from the wider public realm although a public right of way runs through the site, along the driveway before deviating around the north-eastern boundary of the site. This allows public views of the property although mature vegetation provides screening. The roof line has been reduced and the variation in articulation improved from the previous application. Though it may be possible that the proposed extensions would be visible from Main Street, this would likely be limited to a glimpse of the upper portion of the gable at most and would not be prominent in the street scene. To the very limited extent to which the property is publicly visible, this represents harm to the established special architectural and historic character of the Sutton Bonington Conservation Area.
13. Owing to the very limited vantage point of the public right of way, this harm would be minor, and certainly at the lower end of the broad spectrum of 'less than substantial harm' detailed within the NPPF. There would, however, be a statutory presumption against granting planning permission under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as where a proposal results in any degree of harm it must also fail to "preserve" the special architectural and historic character of the Conservation Area. As such,

a test does exist within paragraph 196 of the NPPF for consideration in cases where a proposal results in less than substantial harm. In order to justify a departure from the statutory presumptions under section 72 of the 1990 Act the weight of wider public benefits will need to be significant in comparison to the harm. No clear and convincing justification for any harm have been provided as required by paragraph 194 of the NPPF.

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

14. No comments received

### **PLANNING POLICY**

15. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as 'core strategy') and the Local Plan Part 2: Land and Planning Policies, which was adopted on 8 October 2019. Other material considerations include the National Planning Policy Framework (NPPF) (2019), the National Planning Practice Guidance (the Guidance), and the Rushcliffe Residential Design Guide (2009).

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

16. The relevant national policy considerations for this proposal are those contained within the 2019 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. 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.
17. As the site falls within a conservation area, the proposal falls to be considered under section 16 of the NPPF (Conserving and Enhancing the Historic Environment). Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a development would lead to substantial harm to, or total loss of, a designated heritage asset, then permission should be refused unless it can be demonstrated that substantial public benefits can be achieved that outweigh the harm or loss, or that all of the following criteria under paragraph 195 can be satisfied:
  - a) the nature of the heritage asset prevents all reasonable uses of the site; and
  - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
  - d) the harm or loss is outweighed by the benefit of bringing the site back into use

18. Under paragraph 196, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
19. Further to this, the Borough Council has a duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character and/or appearance of the conservation area.

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

20. Policy 1 of The Rushcliffe Local Plan Part 1: Core Strategy reinforces 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 falls to be considered under Policy 10 of the Core Strategy (Design and Enhancing Local Identity). The 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. Section 2 of this policy sets out the design and amenity criteria that development should be assessed against. The proposal falls to be considered under Policy 11 (Historic Environment) of the Core Strategy
21. The proposal falls to be considered under Policy 1 (Development Requirements) of the Local Plan Part 2 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. As the site is within a conservation area, the proposal falls to be considered under LPP2 Policy 28 (Conserving and Enhancing Heritage Assets).
22. The Residential Design Guide advises that, *“Extensions should be designed so that they are not readily perceived as merely “add-on” 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.”*

### **APPRAISAL**

23. The current application follows a previous application for extensions and alterations to the dwelling which was withdrawn in 2019 (planning reference 19/00666/FUL). The application was withdrawn following officer concerns that the proposed extensions, by virtue of their excessive scale, proportions and roof form would result in an unsympathetic development that would dominate and subsume the original dwelling. It was also considered that the proposal would result in harm to the character and appearance of the conservation area, for which no clear and convincing justification had been identified to outweigh this harm.
24. The current application therefore falls to be considered primarily in terms of residential amenity, design and appearance and the impact on the Conservation Area. In terms of residential amenity, the dwelling is sited within

a generous plot and the proposed extensions would be approximately 24 metres from the closest neighbour at 15 Bollards Lane. There is a dense tree boundary providing screening between the two properties. It is not therefore considered that the proposed extensions would result in an undue overbearing or overshadowing impact on the neighbouring properties. The high level of boundary tree screening would prevent the overlooking of neighbouring properties.

25. The current application proposes a 0.6 metre reduction in the height of the front (south) extension and a 0.5 metre reduction in the height of the side (west) extension compared to withdrawn application 19/00666/FUL. The front extension has been reduced in depth by 1.4 metres, with a reduction in the width of the east and west gables to match the width of the existing west-projecting section of the dwelling.
26. The previous application would have created two long unbroken ridge lines whereby both the front and side extensions would have matched the roof height of the existing dwelling. The revised application proposes a step down in the ridge height of both extensions, thereby providing some articulation and breaking up the massing of the roof. As a result, the extensions would have a degree of subservience to the original dwelling.
27. The extensions would still be substantial in scale, and the projection over the garage would effectively form a 3 storey end gable due to the changes in land levels. Although the design of the extension does not appear wholly sympathetic to the original dwelling in terms of its overall scale and features such as the balcony on the west elevation, the dwelling sits within a large plot that is capable of accommodating the proposed extensions without resulting in an over-intensive development of the site. The site is largely hidden from the public highway due to the mature boundary tree planting and its set back position from Bollards Lane, with the exception of glimpses along the driveway from Bollards Lane and glimpses of the roof line from Main Street. There is also a public footpath which runs partly along the driveway into the site, skirting around the south and east boundaries and providing some limited views into the site.
28. The proposed extensions by virtue of their scale and design would result in a small degree of harm to the character and appearance of the conservation area, however the harm arising would be at the lower end of 'less than substantial' given the limited visibility of the development from the public realm.
29. The proposal would fail to preserve or enhance the character and appearance of the conservation area as is considered to be a 'desirable' objective within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and thus the proposal falls to be tested under paragraph 196 of the NPPF, whereby 'less than substantial' harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
30. The current dwelling is somewhat outdated in terms of energy efficiency and it lacks cavity wall insulation due to its solid wall construction. The proposed extensions would achieve a much greater degree of energy efficiency through substantially improved insulation. The submitted Design and Access Statement states that external rendered insulation is to be fitted to the existing

dwelling, thereby reducing energy consumption and thus carbon emissions.

31. The proposed extensions would deliver a large family home on a site that is well-equipped in terms of off-street parking provision and outdoor garden space provision, thereby helping to retain families within the village which brings benefits to the vitality of local services. The site is somewhat uniquely well equipped to accommodate a large family home as there are few dwellings within the village of a comparable plot size, and few that benefit from such limited visibility from the public realm.
32. It is therefore considered that the proposed development would deliver some public benefits that would outweigh the limited 'less than substantial' harm to the conservation area.
33. For the reasons set out above it is considered that the development accords with the national and local planning policies referred to above and accordingly the grant of planning permission is recommended.
34. The proposal was subject to pre-application discussions with the applicant/architect and advice was offered on the measures that could be adopted to improve the scheme and/or address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice. In addition, further amendments have been made to the scheme during the consideration of the application. Overall, these alterations have resulted in an acceptable scheme, addressing the concerns with the previous submission, resulting in a recommendation to grant planning permission.

## **RECOMMENDATION**

It is RECOMMENDED that planning permission be granted for the following reason(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: 18/37 06 (Lower Ground Floor Plan), 18/37 09 (North and South Elevations), received on 30 January 2020; Site/ Roof Plan, received on 4 February 2020; and 18/37 11A (Ground Floor Plan), 18/37 12A (First Floor Plan), and 18/37 13 (East and West Elevations), received on 30 April 2020.

[For the avoidance of doubt and to comply with 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. The proposed render facing shall match the colour of the render on the existing property.

[To ensure the appearance of the development is satisfactory and to comply with Policy 1 (Development Requirements) and Policy 28 (Conserving and

## 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 CIL chargeable as the floor area would exceed 100sqm. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. 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.

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 that the site is within a designated Conservation Area and any trees are therefore protected. Prior to undertaking any works to any trees you should contact the Borough Councils Conservation Officer on 0115 9148599 and/or the Councils Landscape Officer on 0115 914 8558.

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).

Attention is drawn to the fact that this permission does not entitle the applicant to obstruct in any way the footpath which crosses the land to which this application relates. If it is intended to divert or stop up the footpath, the appropriate legal steps must be taken before development commences. Please contact the Rights of Way Officer- Rushcliffe, at Via East Midlands, on 0115 8043158