

20/00352/FUL

Applicant Mr & Mrs Holmes

Location 46 Adbolton Grove West Bridgford Nottinghamshire NG2 5AR

Proposal Single-storey rear extension

Ward Lady Bay

THE SITE AND SURROUNDINGS

1. The application relates to a detached two storey dwelling. The existing dwelling has red brick walls at ground floor level with painted render above, and red roof tiles. There is an existing contemporary two storey extension at the rear. The garden area is mainly lawn. The site has an existing vehicle access and driveway located to the south of the site adjacent to the shared boundary with no.52 Adbolton Grove.
2. The neighbouring properties are primarily residential. The area includes a mix of late 19th and early 20th century houses and has an urban character. The properties are predominantly two storeys in height. There are varying plot sizes within the area but the application site is significantly larger than the average.
3. The application site falls within flood zones 2 and 3 as defined by the Environment Agency.

DETAILS OF THE PROPOSAL

4. The proposed extension would project 14.5m from the rear of the existing dwelling. It would be sited at least 1.54m from the shared boundary with no. 44 to the north and a minimum of 7.5m from the rear elevation of no.44.
5. The extension would have an eaves height of 2.2m nearest the shared boundary with no. 44 and would be 2.2m wide where it adjoins the host property, widening to around 7 metres at the rear. The section of the extension closest to the boundary with no. 44 (2.2 metres wide) would have a mono-pitch roof reaching a height of 3.1m, this highest point being 3.7m away from the shared boundary. The extension would then project into the garden of no. 46 for a further 4.7m with a flat roof height of 3.4m
6. The proposed extension would utilise both traditional and modern materials with the side elevation facing no. 44 being traditional red brick and the front elevation facing the garden of no. 46 being weathered steel cladding. The mono-pitch roof would be seamed zinc.

SITE HISTORY

7. Application ref: 14/01300/HYBRID - Hybrid application for full planning permission for two storey rear extension; detached garage and new vehicular access to 46 Adbolton Grove and outline planning permission with all matters

reserved except access for erection of new detached dwelling – approved August 2014. The two storey rear extension has been constructed. No reserved matters have been submitted for the erection of a new dwelling.

REPRESENTATIONS

Ward Councillor(s)

8. Councillor R Mallender objects to the proposal on the following grounds:
 - a. Loss of amenity to the neighbours at number 44 Adbolton Grove.
 - b. The development is overbearing, out of keeping with the area and represents an over development of the site.

Local Residents and the General Public

9. The neighbour at no. 44 objects to the proposal:
 - a. The proposed development would affect the surrounding area by nature of its design, appearance and scale.
 - b. The proposed development would cause a severe loss of amenity to neighbouring property by nature of its massing, scale, proportion and height.
 - c. The proposed development is totally out of character with the area by virtue of its scale. There are no other constructions that run the whole length of the gardens of the properties in the area. It would effectively break a natural 'building line' in the rear gardens of the properties on Adbolton Grove.
 - d. The proposed development would be overbearing and out of scale with the area.
 - e. Occupants of neighbouring property believe the proposed development would create a situation of 'excessive development' on the site.
 - f. The proposed development would close up an open area that is enjoyed by all the neighbouring properties.
 - g. By proposing to develop the extension in line with the original Edwardian style property this seems to ignore the very contemporary double storey extension already developed.
 - h. The proposed development would overshadow garden of No. 44 and cause a large loss of light.
 - i. The proposed development exceeds a 45° splay line from windows at No. 44.
 - j. Residents have lived at 44 Adbolton Grove for over 21 years so believe that under the 1832 Prescription Act have a 'right to light'.

PLANNING POLICY

Relevant National Planning Policies and Guidance

10. The National Planning Policy Framework (2019) carries a presumption in favour of sustainable development. Paragraph 11 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Paragraph 127 states that Local Planning Authorities should seek developments which are visually attractive as a result of good architecture and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Relevant Local Planning Policies and Guidance

11. The development falls to be determined in accordance with the Development Plan for Rushcliffe, which comprises the Local Plan Part 1 - Core Strategy and Local Plan Part 2 – Land and Planning Policies. Other material planning considerations include Government guidance in the National Planning Policy Framework and Planning Practice Guide.
12. Under Core Strategy Policy 1, a positive and proactive approach to planning decision making should be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
13. The Core Strategy 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 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 the proposal shall 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. Local Plan Part 2 Policy 1 (Development Requirements) states that permission for new development will be granted provided that, where relevant, certain criteria apply. These include that there is 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 and the scale, density, height, massing, design, layout and materials of the proposal are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. It 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.

APPRAISAL

15. The existing boundary between no. 44 and no. 46 consists of a 1.9m high close boarded fence with mature shrub and hedge planting also to a height of 1.9m. This would provide ample screening from the proposed extension.
16. 44 Adbolton Grove lies to the north of the application site and there may be some degree over-shadowing into the end of the garden of no.44 during the morning. However, due to the offset of the extension from the boundary and

the design and low eaves height of the extension, there is unlikely to be any additional harmful over shadowing, over and above that already created by the substantial boundary treatments. Any over-shadowing would be minimal and unlikely to be detrimental to the amenities of no.44 during the afternoons and evenings.

17. It is acknowledged that the proposed extension would encroach the 45° angle when measured from the kitchen window on the rear of no.44. However, the 45° rule is a guide and each site must be assessed on its merits. Furthermore, the Residential Design Guide indicates that the application of this assessment should be applied in respect of 2 storey extensions or higher or if there are significant changes in level. In this case the proposal involves a single storey extension and there is ample separation distance between the extension and the windows on the rear of no.44 which would minimise any over-bearing or overshadowing impact.
18. If there is any degree of over-shadowing or over-bearing impact occurs from no. 46 to no. 44, it would likely be from the previous two storey extension. It is noted that, when assessing this application, the case officer did not consider that the amount of overshadowing would be unacceptable. Given the low height of the proposed extension in relation to the boundary it is not considered that the current proposal would lead to additional over-bearing or overshadowing that would create unacceptable living conditions at no. 44.
19. There are no windows proposed in the extension that would create undue over-looking towards no. 44 or any other nearby dwelling.
20. The nearest dwelling to the south is no. 52 Adbolton Grove. This dwelling would be at least 27m away from the extension and there would be no impact on its residential amenities in terms of over-looking, over-shadowing or over-bearing.
21. The proposed extension is contemporary in design and materials, complementing the existing contemporary extension that it would project from, maintaining the contrasting form of the dwelling between traditional and modern. The Lady Bay area where the application site is located, is home to an eclectic mix of house designs, traditional and modern and a mix of old and contemporary. The proposed extension maintains the mixed character and appearances of the neighbouring buildings and the surrounding area.
22. The proposed extension would not be visible from the public realm and would have no impact on the street scene.
23. In relation to views across the site from neighbouring dwellings, as the site is not a conservation area, nor are the buildings Listed, there is no specific requirement to preserve views into and out of the site. Building lines are generally considered from the roadside, not from the rear, as rear extensions are a common feature in houses and are often allowed under permitted development, thus making it impossible to maintain a rear building line.
24. The site has outline planning permission for one dwelling within its southern half splitting the site in two. Even if the southern half of the site were developed the proposed extension retains a very large garden. Therefore, it is not considered that the proposal represents overdevelopment of the site.

25. The concerns and objections of both Councillor Mallendar and the neighbour at no. 44 have been carefully considered. However, the low eaves height of the proposed extension and the distance from the boundary would both help mitigate any over-bearing impact and it is not considered that the extension would result in an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy.
26. The property is within Flood Zone 3, but benefitting from flood defences, and so requires the Standing Advice on mitigating flood risk in construction to be followed. The application includes details of adequate flood mitigation measures that would be incorporated within the development.
27. Concerns have been raised by a neighbor in respect of Right to Light. The impacts of the development upon the reasonable amenities of neighbouring properties has been evaluated above and found to be compliant with the Council's adopted policies. Right to Light legislation is a civil matter and the grant of planning permission would not interfere with this right. However, the Council are not required to assess whether the neighbour has a claim for Right to Light as part of the planning application process.
28. There were no perceived problems with the application and therefore no requirement for negotiation with the applicant/agent or the need to request any amendments. Consequently, there was no delay in the decision of the application.

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): FB 19-1107 PL03-A proposed elevations; PL03 proposed floor plans; PL01-A block plan

[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 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 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].

4. Flood mitigation measures shall be incorporated into the extension hereby approved in accordance with details set out in the submitted Flood Mitigation Statement dated 4 May 2020.

[To ensure protection against flooding and to comply with policy 17 (Managing Flood Risk) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

Notes to Applicant

You are advised that your property falls within an area identified to be at risk of flooding in the Environment Agency's Flood Risk Maps. It is therefore necessary to incorporate into the build the mitigation measures detailed in the submitted Flood Mitigation Statement dated 4 May 2020. If in doubt about the measures that need to be incorporated into the extension it is recommended to discuss these requirements with the Environment Agency.