

20/01035/FUL

Applicant Mark & Michelle Sewell

Location 1A Adbolton Grove West Bridgford Nottinghamshire NG2 5AR

Proposal Demolition of a single storey bungalow and the erection of a 3 bedroom, two storey detached dwelling with a raised patio to the rear on the existing plot.

Ward Lady Bay

THE SITE AND SURROUNDINGS

1. The application relates to a mid 20th century detached suburban bungalow located on the east side of Adbolton Grove, towards the northern end of the road, in a residential area. There is a playing field adjacent to the east and countryside beyond, within the Green Belt.
2. There is a variety of properties on Adbolton Grove and in the surrounding area in terms of period, scale, form, design/style and materials, including Victorian, Edwardian, interwar and mid 20th century houses and bungalows, a number of which have contemporary alterations/extensions. Extensions/ alterations are currently under construction at 3 Adbolton Grove, adjacent to the south.
3. The site is in Flood Zones 2 and 3 on the Environment Agency's Flood Zone maps. However, the site is within an area which benefits from flood defences along the River Trent.

DETAILS OF THE PROPOSAL

4. The bungalow would be demolished and a two storey detached house would be constructed on a very similar footprint. The design would be contemporary with flat roofs. There would be a single storey rear section, and the front of the dwelling would include a projection to accommodate a garage, with a first floor overhang to the front and side elevations. The plans also show an 'indicative zone for photovoltaics' on the roof of rear part of the two storey section.
5. The external materials would comprise light brown/buff brick to the ground floor with timber cladding panels and dark grey/black timber slats to the first floor, and aluminium windows.
6. The driveway would be widened and there would be a raised patio to the rear.
7. The Design and Access Statement states:
 - *Taking cues from the building heights either side of it, the house will be a flat-roof contemporary design, with bold brick and clad forms, softened by a vertical filigree of dark timber battens that form a privacy screen between bedrooms overlooking the street as well as side windows looking towards neighbouring properties.*

- *The proposed building will be two storeys high and will sit sympathetically within the street-scene by virtue of its flat roof nature and its stepped approach to massing, where the general approach of the street locally is for projecting elements accompanied by subservient accommodation set back on either side. This provides a street-scene with villa-like buildings.*
8. As a result of consultation responses from the Environment Agency and the Borough Council's Environmental Sustainability Officer, a revised Flood Risk Assessment and a Bat Survey have subsequently been submitted. A revised plan has also been received showing the finished ground floor level of the dwelling and the raised patio raised to meet the requirements of the Environment Agency.

SITE HISTORY

9. There is no planning history relating to the application site. However, permission was granted in respect of 3 Adbolton Grove, the neighbouring property, for demolition of the garage and front single storey part of the dwelling, erection of a two storey front extension and two storey side extension, and addition of balcony to the rear in 2019 (ref. 19/01523/FUL). Permission was refused for a revised scheme, and an appeal was subsequently allowed in June 2020 (ref. 19/02612/FUL).

REPRESENTATIONS

Ward Councillor(s)

10. One Ward Councillor (Cllr R Mallender) objects on behalf of local residents on the following grounds:
- a. The design is a bold & striking one and very much out of character with the existing street scene and neighbouring properties most of which are Edwardian or 1930s in era.
 - b. The domination of the front of the house by a garage door and the hardstanding in front for yet more cars is particularly objectionable.
 - c. More recent new-builds are sympathetic to the area and of similar appearance and of traditional character whereas this one is not. Whilst there are other similar extensions in the area, there are no complete builds of this style & most of the extensions are at the side or rear.

Town/Parish Council

11. Holme Pierrepont and Gamston Parish Council do not object.

Statutory and Other Consultees

12. The Borough Council's Environmental Sustainability Officer originally commented that, in the absence of an ecological survey, it had not been demonstrated that there will be no impacts on priority or protected species, habitats or sites, and that it was not possible to assess if there will be an impact on populations of European Protected Species. He therefore recommended

that the application not be considered further until a preliminary ecological survey was provided along with any further surveys and assessments identified in the survey. He also recommended that a biodiversity net gain should be demonstrated by a basic biodiversity net gain assessment.

13. He has subsequently commented that the Bat Survey report carried out in May and June 2020 appears to have been carried out according to best practice. The surveys are in date, however, consideration of other potential protected or priority species has not been assessed. No bats were found to be using the buildings, although the site also consists of hardstanding, shrubs, tree and garden. The site is 90m from the Hook Local Wildlife Site, and there is a likelihood that birds will nest on the site, and there is also potential for hedgehogs. The conservation status of European Protected Species is unlikely to be impacted by this development, although the development provides opportunities for ecological enhancement. Recommendations in the report should, where applicable, be subject to conditions on any permission.
14. The Borough Council's Environmental Health Officer has no objection but recommends a condition is imposed to ensure the submission and approval of a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction prior to working commencing.
15. Nottinghamshire County Council as Highway Authority comment that the plans show that the distance between the proposed dwelling and the highway boundary would be 5.6m fronting the garage. The garage would, therefore, need to be fitted with a roller shutter door so that vehicles do not overhang the highway when it is opened/closed. The internal dimensions of the garage do not meet the minimum standard specified in the 6C's Design Guide (3.0m x 6.0m). It is, therefore, more likely that the garage will be used for storage rather than the stationing of a vehicle. The plans also show that the driveway would be able to accommodate two vehicles, which should be sufficient for a 3-bedroom dwelling. However, as the whole of the frontage of the site is proposed to be hard-surfaced, there should be enough space for 3 vehicles to be parked off the highway if such necessity arises.
16. They also recommend conditions to ensure that the driveway is surfaced in a bound material for a minimum distance of 5.5m from the rear of the adopted highway and constructed with provision to prevent the discharge of surface water on to the public highway, and to ensure that the garage is fitted with a roller shutter door.
17. The Environment Agency objected originally on grounds that the Flood Risk Assessment (FRA) did not comply with the requirements of the Planning Practice Guidance, and did not, therefore, adequately assess the flood risks posed by the development (full comments are available on the website).
18. With respect to the revised FRA, they comment that the development will only meet the requirements of the National Planning Policy Framework if the development is carried out in accordance with the FRA with respect to finished floor levels, and the flood resilient design measures stipulated being implemented into construction of the development.

Local Residents and the General Public

19. 10 written representations have been received raising objections and comments which are summarised as follows:
- a. The design, appearance and materials are incongruous and not sympathetic and a complete contrast to Victorian/Edwardian and 1930s dwellings on Adbolton Grove, and would be totally out of character and an eyesore.
 - b. Very exciting and attractive design for a property but the location is completely inappropriate. The design would look fantastic in a different setting where it had more green space around it.
 - c. It would be the only house on the grove without a pitched roof and looks more like an office block or suited to an industrial estate.
 - d. Planners should consider the situation and context of such 'dream' projects and think long and hard about their environmental and emotional impact on the people that have to live alongside them.
 - e. Overlooking/loss of privacy.
 - f. Dominating and overbearing impact.
 - g. Overshadowing/loss of light (reference is made to the 'Ancient light Prescription Act 1932').
 - h. Removal of the existing side and front garden to be replaced with hard standing for cars would look ugly and would add to the drainage and flooding problems the road has suffered over the last few years, with standing water in the road following times of heavy rain.
20. 3 written representations have been received expressing support which are summarised as follows.
- a. We feel very lucky to live in an area with such a diverse and eclectic mix of properties, and that there is a place for new contemporary dwellings to add to the character of the area. In the wider context of Lady Bay there are similar successful examples of highly contrasting contemporary extensions and new dwellings.
 - b. The flat roof element of the proposed design will be a particularly stark contrast to the pitched roofs of the other houses on the road
 - c. It is very refreshing to have a well-executed and well-designed piece of modern architecture that is not over complicated and has hard to achieve simple forms that responds well to the neighbouring property which is circa 1930's, as opposed to the current chalet bungalow which has no architectural merit.

PLANNING POLICY

21. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (Core Strategy) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (Local Plan Part 2).
22. Other material planning considerations include Government guidance in the National Planning Policy Framework (NPPF) and Planning Practice Guide (PPG).

Relevant National Planning Policies and Guidance

23. The National Planning Policy Framework 2019 (NPPF) includes a presumption in favour of sustainable development. There are three overarching objectives to sustainable development: economic, social and environmental.
24. Chapter 12 'Achieving well designed places' is also of relevance.

Relevant Local Planning Policies and Guidance

25. Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (Core Strategy) is of relevance.
26. Policies 1 (Development Requirements), 17 (Managing flood risk), and 38 (Non-designated biodiversity assets and the wider ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (Local Plan Part 2) are of relevance.
27. The Borough Council's Residential Design Guide (RRDG) is also relevant.

APPRAISAL

28. The environmental objective of the NPPF refers to '*contributing to protecting and enhancing our natural, built and historic environment*'.
29. Chapter 12 'Achieving well designed places' of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change, with a high standard of amenity for existing and future users.
30. Policy 10 (Design and Enhancing Local Identity) of the Core Strategy states that all new development should be designed to make a positive contribution to the public realm and sense of place, create an attractive, safe, inclusive and healthy environment, and reinforce valued local characteristics.
31. Policy 1 (Development Requirements) of Local Plan Part 2 states permission for new development will be granted provided that (amongst others) sufficient space is provided within the site to accommodate the proposal together with ancillary amenity and circulation space; 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; 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; there is no significant adverse effects on important wildlife interests.

32. It also states that the use of appropriate renewable energy technologies will be encouraged within new development and the design, layout and materials of the proposal should promote a high degree of energy efficiency.
33. The RRDG states that building designs should contribute to an active and attractive street environment. A positive design approach to the local context does not mean a repetition of what went before. Fenestration, the proportions of the building and use of related materials are all design matters that should take their lead from the neighbouring properties. Contemporary and innovative solutions which successfully address all of these issues are to be encouraged. Guidance on garden sizes and separation distances is also included, and reference is made to the 25 and 45 degree guides, which are used to assess the impact of proposed development on neighbouring properties in terms of overbearing impact and overshadowing.
34. The site is within a residential area and it is considered that a replacement dwelling would be acceptable in principle.
35. As stated in paragraph 2, there is a variety of properties on Adbolton Grove and in the surrounding area in terms of period, scale, form, design/style and materials, including Victorian, Edwardian, interwar and mid 20th century suburban houses and bungalows, a number of which have contemporary alterations/extensions. There is also a variety of external materials including red & buff brick, white render, and timber detailing to gables, and a variety of roof forms including gables, hips and mansards.
36. Adjacent to the application site is an interwar Art Deco style house which appears to be unaltered (1 Adbolton Grove), and a mid 20th century suburban chalet bungalow which is currently being extended and altered which will transform the property into a contemporary dwelling including the use of timber cladding (3 Adbolton Grove).
37. The inspector who determined the recent appeal at 3 Adbolton Grove noted the variety of properties on the road, commenting '*There is a significant and notable variety in the age, type, form, scale and design of residential properties within the street.*'
38. The orientation and design of the existing bungalow is unusual in that the 'principal' elevation containing the main entrance door faces the south (side) boundary, with a garage projection to the front and only one small secondary bedroom window on the front part of the elevation facing the road. Consequently, it is considered that the existing bungalow does not make a particularly positive contribution to the street scene.
39. It is acknowledged that the flat roofed contemporary design of the new dwelling would represent a contrast to traditional pitched roof properties along the road. It is also acknowledged that the road is characterised by pitched roof properties of a variety of forms. However, flat roofs are not, of course, unusual or a recent innovation, and have been a feature of modern architecture since the 1920s.

40. The dwelling would incorporate a garage projection to the front which would reflect the existing dwelling, and it is considered that the combination of traditional brown/buff brickwork, used elsewhere on the road, and contemporary timber cladding/slats, which should have a natural appearance, would be appropriate. It is also considered that, subject to further consideration of external materials (which can be ensured by condition), the dwelling would not be harmful to the character of the area, and would add to the quality and variety of the area, would be visually attractive and would enhance the street scene.
41. It is considered that the extension to the driveway would not have any significant adverse impact on the street scene, and there is room either side for landscaping. It also has to be borne in mind that the provision of a hard surface or extension of an existing surface to the front of a dwelling constitutes permitted development, provided that any area which exceeds 5 square metres is provided with drainage. Furthermore, there are examples of properties in Lady Bay where the frontage has all been hard surfaced.
42. In terms of amenity, the garage at 1 Adbolton Grove is adjacent to the site boundary, with a conservatory adjacent to the garage with rear elevation windows/doors, and a bedroom window above. This dwelling also has a rear projection with a side elevation bedroom window facing the site. It is understood that there is another window to the bedroom to the north (side) elevation. Whilst the view from inside the dwelling and from the patio and garden would be different, due to the siting, scale and design of the proposed dwelling, it is considered that there would be no significant overlooking/loss of privacy, overshadowing/loss of light or overbearing impact to this property. In view of the extensions/alterations taking place at 3 Adbolton Grove, and the distance from properties on the opposite side of the road, it is also considered that the dwelling would not have a significant adverse impact on the amenities of any other properties.
43. The proposal would also comply with the 25 and 45 degree guides referred to in the RRDG with respect to principal habitable room windows in the adjacent properties.
44. There is a raised area to the rear of the existing dwelling, and 1 Adbolton Grove has a raised patio. The proposed raised patio would be larger and would project further into the rear garden than the existing, and would be around 0.5m higher than the garden level; however, it should not result in any significant overlooking/loss of privacy.
45. With respect to the comments of County Highways, the application plans show that the internal length of the garage would be 6m, and that the length of the driveway between the front of the garage and highway boundary would be 6.3m (the dimension of 5.6m refers to the distance between the front boundary and the first floor element which projects further forward than the garage door). The County Council's 'Standing Advice' states that for a driveway with a length of 6.1m, an 'up and over' garage door is acceptable. Therefore, the suggested condition requiring a roller shutter door is not considered to be necessary.
46. The site is in one of the most sustainable locations in the Borough in terms of access to local services/facilities in Lady Bay and West Bridgford Town Centre,

which are within a reasonable walking distance, and close to bus routes. It is, therefore, considered that the level of off street parking (including the garage) would be more than adequate for a 3 bedroom dwelling in an area where there does not appear to be an on street parking problem.

47. Policy 17 (Managing Flood Risk) of Local Plan Part 2 states that planning permission will be granted in areas where a risk of flooding or problems of surface water exist, provided that it does not increase the risk of flooding on the site or elsewhere.
48. In view of the most recent comments from the Environment Agency relating to the revised FRA, and with a condition to ensure that the development is carried out in accordance with the FRA, it is considered that the development should be safe for its lifetime without increasing flood risk elsewhere. The replacement of a bungalow with a two storey dwelling would also represent an improvement in terms of risk to future occupants through the provision of bedroom accommodation at first floor level.
49. Policy 38 (Non-designated biodiversity assets and the wider ecological network) of Local Plan Part 2 requires, where appropriate, to seek to achieve net gains in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.
50. The Borough Council has a legal duty when determining a planning application for a development which may have an impact on protected species. The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats Etc) Regulations 1994, contain three tests which Natural England must apply when determining a licence application. This licence is normally obtained after planning permission has been obtained. However, notwithstanding the licensing regime, the Planning Authority must also consider these tests when determining a planning application. A Planning Authority failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations. The three tests are:
 - a. the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
 - b. there must be no satisfactory alternative; and
 - c. favourable conservation status of the species must be maintained.
51. In this case the Environmental Sustainability Officer noted that no bats were found to be using the buildings, although consideration of other potential protected or priority species has not been assessed. He comments that there is a likelihood that birds will nest on the site, and there is also potential for hedgehogs. He considers that the conservation status of European Protected Species is unlikely to be impacted by this development, although the development provides opportunities for ecological enhancement. It is, therefore, considered that it is not necessary to apply the tests in this instance. However, it is considered that a condition to require bird/nesting boxes to be incorporated into the development is appropriate, in accordance with policy 38 of Local Plan Part 2, which promotes the incorporation of features that benefit biodiversity.

52. It is noted that that the Environmental Health Officer recommends the submission and approval of a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction. Whilst such a condition is sometimes appropriate for larger scale developments, it is considered that a condition is not necessary for demolition of one single storey dwelling and replacement with one dwelling. Such a condition was also not imposed on the development at 3 Adbolton Grove which involves demolition and considerable building works. Should issues arise during demolition/construction, perhaps due to hours of operation, this would potentially be a matter to be investigated by the Environmental Health service, planning conditions should not seek to duplicate controls under other regulatory regimes.
53. Reference is made in representations to loss of light and the 'Ancient light Prescription Act 1932'. Whilst loss of light and impact on amenities is a material planning consideration, rights to light is addressed under separate legislation and would not be a material planning consideration.
54. The application was subject to pre-application discussions. Revised and additional information has been submitted during the processing of the application resulting in an acceptable scheme and a 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 following approved plan(s): PL-004, PL-005, PL-006A.

[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. Construction of the dwelling shall not proceed beyond damp proof course until details of all external materials have been submitted to and approved in writing by the Borough Council, and the development shall only be undertaken in accordance with the materials so approved.

[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 Local Plan Part 2: Land and Planning Policies]

4. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) by Ambient Environmental Assessment (Ref: 5402) dated 30th June 2020 and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 23.63m above Ordnance Datum (AOD) as stipulated within section 7.3 of the FRA.
- The flood resilient design measures stipulated within the section 7.3 of the FRA shall be implemented in to the development.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Borough Council.

[To ensure that occupants are safe for the lifetime of the development and to comply with policy 17 (Managing flood risk) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

5. The dwelling shall not be occupied until the driveway has been surfaced in a bound material for a distance of 5m behind the highway boundary, and provided with drainage to prevent the discharge of surface water on to the public highway. The hard surfacing and drainage shall be retained for the lifetime of the development.

[In the interests of highway safety and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

6. The dwelling hereby permitted shall be occupied until bird nesting boxes have been installed on the site in accordance with details to be previously submitted to and approved in writing by the Borough Council. Thereafter the bird nesting boxes shall be retained for the lifetime of the development.

[To ensure the incorporation of features that benefit biodiversity, and to comply with 38 (Non-designated biodiversity assets and the wider ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

7. Notwithstanding the provisions of Schedule 2, Part 1 Class A - C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwelling including no alteration to or insertion of windows other than those shown on the plans, without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with policy 1 (Development Requirements) of the Rushcliffe 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 CIL chargeable. 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.

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.

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.

This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application forms to discharge conditions can be found on the Rushcliffe Borough Council website.

The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins

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.