

20/01772/OUT

Applicant Mr Peter Walker

Location The Paddock, 12 Main Street, Kinoulton, Nottinghamshire, NG12 3AE

Proposal Outline planning permission with all matters reserved for the erection of a dormer bungalow.

Ward Nevile and Langar

THE SITE AND SURROUNDINGS

1. The application relates to a parcel of land to the east of 12 Main Street and is currently garden land associated with this property. A mature high hedgerow is to the north. Residential properties of various design and sizes adjoin the application site to the north, east and west. Traditional farmhouses are to the south. The site is located within the main built up residential area of Kinoulton.

DETAILS OF THE PROPOSAL

2. The application seeks outline planning permission for a dwelling with all matters reserved for subsequent approval.
3. The application is accompanied by plans showing a dormer bungalow. However, the application seeks outline planning permission with matters of layout, scale and appearance reserved for subsequent approval and these details are not for consideration at this stage. Nevertheless, the plans assist in assessing whether the site could accommodate a dwelling compatible with the surroundings.
4. The plans also indicate how parking and access could be achieved. In terms of access, the plans indicate that the existing access would be retained and improved to serve the new dwelling and indicate the potential location of a new access to serve the existing dwelling with the relocation of the garage to the western side of the property. However, it should be noted that access is also reserved for subsequent approval.
5. The existing hedgerow at the rear and a tree are shown to be retained. Again, landscaping is reserved for subsequent approval.
6. A Design and Access Statement was submitted with the application.

SITE HISTORY

7. 20/01771/FUL – Planning permission for proposed extension to the roof of the existing bungalow to create first floor including addition of dormer windows to the front and rear, two-storey side extension and associated internal and external alterations to no.12 Main Street, Kinoulton. At time of writing this report this application was pending consideration.

REPRESENTATIONS

Ward Councillor(s)

8. The Ward Councillor (Cllr T Combellack) objects to the proposed development, the comments are summarised below:
 - a. Overdevelopment of the site
 - b. Very cramped
 - c. Not in keeping with the area
 - d. Overlooking and overshadowing impacts to properties at the rear
 - e. Access is hazardous

9. Cllr Combellack provided further comments in response to revised plans which omitted the garage to the side of the proposed dwelling with an indication that this would be built within the rear garden. She commented that the plans do not show this garage, only the existing shed and that the introduction of a further structure into the garden/amenity space would further compound the overdevelopment issue. This application would not be in keeping with the existing properties along Main Street, which are set in good sized plots. It is acknowledged there are two cottage properties to the east of the site but these are original village properties not of more recent build as per the properties extending to the West along Main Street. Whilst the issue of overlooking is relieved by the roof lights the remainder of her objection still stand.

Town/Parish Council

10. Kinoulton Parish Council object to the proposed development for the following reasons:
 - a. Impact on the area.
 - b. Adverse effect on the neighbour no.10 Gardiner Drive.
 - c. Overdevelopment of the site.
 - d. Surface water flooding effects properties on Gardiner Drive due to Main Street being lower.
 - e. Overbearing and overshadowing impacts.
 - f. Overlooking impacts.
 - g. Over intensive development.

11. Following the submission of revised plans, the Parish Council reiterated their objection and made the following comments:
 - a. The replacement of dormer windows at the rear with skylights will leave an extensive area of roofing from the single storey wall to the ridge of the roof which has a detrimental effect on the visual appearance of the dwelling.
 - b. Detrimental impact on the character and the quality of the area.
 - c. Should planning permission be granted, permitted development rights should be withdrawn as any extension to the rear would significantly reduce the available garden areas and would be necessary to prevent the installation of dormer windows to the rear elevation.

Statutory and Other Consultees

12. Nottinghamshire County Council as Highway Authority has commented raising no objections to the proposal. The comments are outlined below:
 - a. The indicative layout plans detail the current vehicular access is to be utilised to serve the new dwelling, and the existing dropped kerb footway/verge crossing will need to be widened. A new dropped kerb vehicle access is proposed to serve the existing dwelling, which is to be located away from the bend in the road, with sufficient visibility achievable.
 - b. The principle of the proposal is considered acceptable, and the indicative layout plans provided suggest an acceptable scheme is achievable.

13. Trent Valley Internal Drainage Board advise that the site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

Local Residents and the General Public

14. 9 written representation have been received objecting to the proposal. The comments are summarised below:
 - a. Plans appear to show the hedgerow at the rear to be removed.
 - b. Rear upper level windows would result in neighbouring properties being exposed and overlooked.
 - c. Concerns over sewage system.
 - d. Overdevelopment of the site.
 - e. Invasion of privacy.
 - f. Overshadowing of neighbouring gardens.
 - g. Removal of mature trees.
 - h. Lack of housing need in the village.
 - i. Impact of increased water run-off.
 - j. Not in keeping with the streetscene.
 - k. Dormer window to the front would overlook properties at the other side of Main Street.
 - l. Access to the site is on a blind bend where accidents have already occurred.

PLANNING POLICY

15. The development plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy and the Local Plan Part 2: Land and Planning Policies. Other material considerations include the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide (RRDG). Any decision should be taken in accordance with the adopted development plan documents.

Relevant National Planning Policies and Guidance

16. 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.
17. Local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Decision-makers at every level should seek to approve applications for sustainable development where possible.
18. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
 - a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
19. In paragraph 15 the NPPF states that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.

20. As such, the following sections in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
- Section 5: Delivering a Sufficient Supply of Homes
 - Section 6: Building a strong, competitive economy
 - Section 9: Promoting Sustainable Transport
 - Section 12: Achieving well designed places
21. Section 5 - 'Delivering a sufficient supply of homes' states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
22. Section 6 - 'Building a Strong and Competitive Economy' states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
23. Section 9 - 'Promoting Sustainable Transport' states that it should be ensured that safe and suitable access to the site can be secured for all users, going on to identify in paragraph 109 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
24. Section 12 - 'Achieving Well Designed Spaces' states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that planning policies and decisions should ensure that developments, inter alia:
- a) 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;
 - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
25. 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.

Relevant Local Planning Policies and Guidance

26. The Rushcliffe Local Plan Part 1: Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are relevant:
 - Policy 1: Presumption in Favour of Sustainable Development
 - Policy 3: Spatial Strategy
 - Policy 10: Design and Enhancing Local Identity
27. Policy 1 highlights that when considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
28. Policy 3 outlines the distribution of development in the Borough during the plan period. It ensures the sustainable development of Rushcliffe will be achieved through a strategy that promotes urban concentrations by directing the majority of development towards the built-up area of Nottingham and the Key Settlements.
29. Policy 10 (Design and Enhancing Local Identity) 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; reflect the need to reduce the dominance of motor vehicles.
30. The Rushcliffe Local Plan Part 2: Land and Planning Policies was adopted in October 2019 and sets out non-strategic allocations and detailed policies for managing development. The following policies in the Rushcliffe Local Plan Part 2 are relevant:
 - Policy 1: Development Requirements
 - Policy 11: Housing Developments on Unallocated Sites within Settlements;
 - Policy 12: Housing Standards;
31. Policy 1 sets out that planning permission for new development will be supported provided that, where relevant, a list of criteria are met. This list includes aspects such as suitable access being provided, sufficient amenity spaces for end users, the relationship with nearby uses in terms of the amenity of future occupants and aspects such as ensuring no significant impact on wildlife, landscape character.
32. Policy 11 states that permission will be granted where inter alia, the proposal does not conflict with the spatial strategy, has a high standard of design that does not adversely affect the character or pattern of development in the area, and would not have a significant adverse impact on the amenities of surrounding residents.
33. Policy 12 – ‘Housing Standards’ identifies that all new dwellings will be required to meet the higher optional technical standard for water consumption of no more than 110 litres per day.

34. The Rushcliffe Residential Design Guide (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.
35. Guidance on garden sizes and separation distances are included. The RRDG states that new developments should seek to provide garden depths of 10m, and garden sizes for detached properties of 110 square metres and semi-detached properties of 90 square metres, with smaller 2 bedroom or less properties to have a minimum of 55 square metres. It does however accept a variety of sizes will be required to meet a variety of needs, and notes that access to public open spaces, privacy of space and orientation of spaces can all contribute to the appropriateness of a gardens size to provide adequate amenity for future occupants.

APPRAISAL

36. The main consideration when assessing this proposal is the principle of the development and the impact upon neighbouring properties and amenity space. Highway matters would also be a consideration.

Principle of Development

37. Policy 3 of the Core Strategy adopts a hierarchical approach to the delivery of housing within the Borough, focussing the majority of development to the main built up area of Nottingham followed by the key settlements identified in the policy. Under current planning policy within the adopted Core Strategy, Kinoulton is not identified as one of the key settlements. In the case of 'other settlements', such as Kinoulton, the policy states that housing should only be permitted for local needs and delivered through small-scale infill development. It is considered that this site can be considered as a small-scale infill plot which is bounded by residential properties to the north, east and west, and subject to a development being able to be accommodated in a satisfactory manner, the principle of development is considered acceptable.
38. The proposal would help deliver one family home in a rural village assisting in managing the supply of dwellings and supporting the vitality of the village. The proposal is therefore in accordance with Policy 8 of the Core Strategy, which seeks to ensure that developments should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create mixed and balanced communities.

Impact on neighbouring amenity

39. The potential impacts on the private amenity of neighbouring dwellings has been carefully considered. Whilst the application seeks outline planning permission with all matters reserved for subsequent approval, it is considered that the submitted details demonstrate that the site could be developed without having undue impacts in terms of overbearing, overlooking or overshadowing on neighbouring properties.

40. With regard to the dwelling adjacent to the west, the illustrative plans show that a separation distance of 5.5m could be achieved between both properties. With the exception of a window in the garage, there are no windows to habitable accommodation within the east elevation of 12 Main Street. The illustrative plans show no windows within the western elevation facing 12 Main Street. The proposed boundary treatments are also acceptable. Overall, it is considered that the proposed new dwelling would have no undue impact on the private amenity of 12 Main Street in terms of overlooking, overbearing or overshadowing.
41. With regard to the properties to the north, there is an existing mature high hedgerow on the northern boundary which is of significant scale. The illustrative plans show that a distance of around 11.5 metres between the rear elevation of the dwelling and the rear boundary could be achieved. Furthermore, the illustrative plans demonstrate how potential overlooking to properties to the rear could be reduced/minimised through the use of skylights rather than dormer windows. In any event, the windows would most likely serve bedroom and bathroom accommodation and in view of the separation distances that could be achieved between the proposed dwelling and the properties to the north, it is considered that the site could be developed without resulting in unacceptable overlooking.
42. The application site and property to the east are separated by a narrow strip of land which appears to be associated with and provides access to 10 Gardner Drive, the property to the rear of the application site. As such, it is considered that the separation distance would ensure that the proposal would not have an excessive or unacceptable impact on the property to the east.
43. Concern has been expressed that development of this site would have an adverse impact on properties on the opposite side of Main Street, in terms of overlooking from first floor windows. Such a relationship is not uncommon within built up areas and the separation distance across the road would be such that it is not considered the proposal would result in significant or unacceptable overlooking.
44. Overall, it is considered that there would be no undue overlooking, overbearing or overshadowing impact on the amenities of properties adjacent to or opposite the application site.

Design

45. Whilst it is acknowledged that this is an outline application with all matters reserved, revised illustrative plans have been received omitting the garage on the western elevation and the dormer windows at the rear. The submission now indicates that a detached garage would be provided within the rear garden of the dwelling. Properties to the east and west of the application site consist of a mixture of two-storey dwellings and bungalows. There is also a mixture in materials. It is considered that there is a variety of dwelling styles and designs in the area and that it should be possible to design a dwelling that would be sympathetic to the character and appearance of the area.
46. It is considered that the site is of sufficient size to accommodate a dwelling. There is plenty of room to park at least two vehicles off street to the front of the dwelling and adequate amenity space could be provided at the rear. As stated

within the Rushcliffe Residential Design Guide, any detached residential properties proposed should, subject to other considerations, be provided with a minimum of 110m² of private rear amenity space and also have a minimum of 10m to the rear boundary. The illustrative plans demonstrate that these requirements would be achievable. It should also be noted that no.12 Main Street would retain a sufficient amount of amenity space to the rear. It is therefore considered that this proposal accords with the Rushcliffe Residential Design Guide.

Highways matters

47. Whilst the application seeks outline planning permission with access reserved for subsequent approval, the Highway Authority was consulted. They have raised no objection to the proposal. The plans indicate that the development would utilise the existing access, with improvements. The HA advise that the principle of the proposal is considered acceptable, and the indicative layout plans provided suggest an acceptable scheme is achievable.

Other

48. The Parish Council has suggested that permitted development rights should be withdrawn for rear extensions. However, it should again be noted that the application seeks outline planning permission with all matters reserved and until the final scale and appearance of the dwelling is known, it is not possible to determine whether such a restriction would be reasonable or necessary. Similarly, once the final design is presented for consideration, the necessity for other conditions, such as removal of permitted development rights for additional windows, can be determined.
49. The comments raised with regard to water runoff and sewage are noted. Should a reserved matters application be forthcoming, relevant consultees would be consulted to determine the possible impacts the proposed development would have in terms of sewage and flooding.

Conclusion

50. Given all the matters as considered above, and having assessed the development proposal against the policies set out in the development plan for Rushcliffe, the scheme is considered to be acceptable. Therefore, it is recommended that planning permission is granted.
51. This application has been subject to pre-application advice. Further discussions have taken place in an attempt to resolve issues raised by interested parties, which has resulted in the submission of additional information. This has ultimately resulted in a favourable recommendation to the Planning Committee.

RECOMMENDATION

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

1. Application for approval of reserved matters must be made not later than three years beginning with the date of this permission and the development must be

begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval of reserved matters on different dates, the final approval of the last such matter to be approved.

[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 only be carried out in accordance with detailed plans and particulars relating to the following items and the development shall not be commenced until these details have been submitted to and approved in writing by the Borough Council:

- The means of access;
- The siting, design and external appearance of the proposed building;
- The finishes for the hard surfaced areas of the site;
- Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises;
- The finished ground levels for the site and floor levels of the dwellings relative to existing levels and adjoining land; and
- The means of enclosure to be erected on the site.

[To ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Sustainable Development) of the Local Plan Part 2: Land and Planning Policies.]

3. This permission shall relate to the erection of no more than one dwelling.

[To clarify the extent of this permission and to prevent the overdevelopment of the plot in compliance with Policy 1 of the Local Plan Part 2].

4. The residential dwelling hereby permitted shall be designed to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day.

[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. The development hereby permitted shall not be commenced until a scheme for the provision of electric vehicle charging points shall be submitted to and approved by the Borough Council. The scheme shall provide details of the provision of electric vehicle charging points to serve the development on site. Thereafter, the use shall not commence until such time as the site has been serviced with the appropriate electric vehicle charging infrastructure, in accordance with the agreed scheme and the apparatus shall be retained for the lifetime of the development.

[To promote sustainable modes of transport and to comply with policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

Notes to Applicant

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.

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, and the amount payable will be calculated following approval of any subsequent Reserved Matters application. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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

Condition 4 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission.

With regard to works affecting the highway you are advised that Nottinghamshire County Council are the Highway Authority and it is suggested that you contact the Highways Area Office by telephoning 08449 808080 for further information.

This permission does not authorize the relocation of the garage for 12 Main Street and the construction of a new access as indicated on the submitted plans.