

20/02691/VAR

Applicant Mr Sinder Singh

Location Land South East Of The White House Old Melton Road Normanton On The Wolds Nottinghamshire

Proposal Variation of Condition 2 (Change two storey dwellings to three-storey, extending houses by 1m. Second floor dormer windows to front and rear elevation and side elevation windows to second floor. Changes to floor and elevation plans.) of planning permission 19/02195/FUL.

Ward Tollerton

THE SITE AND SURROUNDINGS

1. The application relates to a broadly triangular 1000sqm area of land situated on the south east edge of Stanton on the Wolds. The site comprises an open grassed area enclosed by mature trees with a dense tree and hedgerow screen along the front boundary. There is an existing access off Old Melton Road to the south east corner of the site. The site is located between The Orchard, a two storey dwelling to the south, and the White House, a two storey cottage to the north, on ground level which is set approximately 2 metres lower than the application site. The site falls within the Green Belt. The site is within the Normanton on the Wolds Conservation Area. The Townscape Appraisal identifies a significant hedge along the front boundary and a significant group of trees to the rear of the site.

DETAILS OF THE PROPOSAL

2. Planning permission was sought for the erection of two detached dwellings with associated access and parking under planning reference 19/02195/FUL, the application was refused and subsequently allowed on appeal on 22 December 2020 (appeal ref: APP/P3040/W/20/3248066). The current application seeks to vary condition 2 as set out in the Inspector's schedule of conditions, which required the development to be carried out in accordance with the approved plans, to amend the approved application plans and the design of the dwellings.
3. The variation of conditions application seeks a 0.5 metre increase in the ridge height of both dwellings to 9 metres. The eaves height would be increased by 0.27 metres. Both dwellings would be increased in depth by a metre and would feature a pitched roof dormer window and roof light in the front roof slope, and two pitched roof dormers and a roof light in the rear roof slope. There would be no change in the height of the one-and-a-half storey side projection to both dwellings, however the previously proposed front and rear dormer in this section would be increased in height by 0.2 metres with a steeper roof pitch.
4. The dwellings would maintain the same set-back from the boundaries with The White House and The Orchard as approved, this distance being 12 metres and

1.5 metres respectively. The set back from the highway would be 9 metres for plot 1 and 7 metres for plot 2 as per the previously approved plans. The rear gardens of both dwellings would be reduced in depth by a metre as a result of the increase in the depth of the dwellings. Both dwellings would now feature a chimney stack to the north-west elevations. There would be individual vehicular accesses for both dwellings as per the approved application.

SITE HISTORY

5. U1/87/0137/P - Erection of one dwelling. Refused in 1987. Appeal dismissed.
6. 96/00820/OUT - Erect one detached dwelling (outline). Refused in 1996.
7. 03/00691/FUL - Erect single and two storey dwelling. Refused in 2003.
8. 19/02195/FUL - Construction of two 2-storey dwellings with associated access and parking arrangements and the widening of the existing vehicular access to the highway (resubmission). Refused 13 November 2019. Allowed on appeal 22 September 2020.
9. 20/01029/FUL - The construction of two 2-storey dwellings with associated access and parking arrangements and the widening of the existing vehicular access to the highway (resubmission). Refused 2 July 2020.

REPRESENTATIONS

Ward Councillor(s)

10. The Ward Councillor (Cllr Mason) objects to the application on the basis that it is still over-intensive to the White House and overbearing. There are also access issues. It is not an improvement on the previous application.

Town/Parish Council

11. The Parish Council object to the application, commenting that the addition of a third level would create an overwhelming development of the site and it would tower over The White House cottage. The proposal would bring it close to pylons that cross the site, potential National Grid implications. They fail to understand how the previous development got permission in the Conservation Area or how it is proposed to connect the properties to the highway. They raise strong opposition on the grounds that that it would dwarf the White House and result in an overbearing and out-of-place development, harming the A606 and Platt Lane approaches.

Statutory and Other Consultees

12. Nottinghamshire County Council's Archaeology Officer commented that her comments on the previous application still stand. The proposed development sits on a plot at what appears to be the southern end of the Medieval village core, historical maps show the presence of a pinfold on the plot which appears to have been lost. It was recommended that archaeological investigation is carried out through a strip, map and sample programme.

13. Following explanation from the case officer that planning permission had previously been granted at appeal without archaeological conditions, the Archaeological Officer withdraw her previous observations.
14. The Borough Council's Conservation Officer considers that the proposal would not harm the special interest of the Conservation Area. The plots would be screened by mature vegetation with direct views via the access openings, however these openings would be similar to other established properties in the Conservation Area where breaks in the hedgerow boundaries occur. As the majority of the existing hedgerow would be retained the enclosed rural feel of the land will not be significantly weakened. The recessed position of the proposed accesses behind the wide grass verge would help to diminish their presence in long views along Old Melton Road. Any views or glimpses from the Conservation Area or into the Conservation Area would not be affected in a way that could harm the special interest of the Conservation Area.

Local Residents and the General Public

15. Representations raising objections have been received from 6 neighbours/members of public with the comments summarised as follows:
 - a. Dominant and overbearing impact on The White House.
 - b. Impact on openness and character of the Conservation Area, visually prominent on southern approach into the village.
 - c. The removal of trees/hedges will increase the visual impact.
 - d. Hedgerow behind The White House has been removed.
 - e. Significant parking issues exist - patrons/deliveries for the Plough and other business and uses in the vicinity.
 - f. Traffic issues - it is only 'lightly trafficked' due to the pandemic. Proximity of entrances to the Platt Lane junction will cause traffic problems.
 - g. Old Melton Road is a main bus route and school bus route.
 - h. Adverse impact on the rural and historical character of the streetscene.
 - i. Site is elevated circa 2 metres above The White House, impact on privacy and light.
 - j. 3 storey buildings out of keeping with the village.
 - k. Road alongside the application site is narrow, cars parked opposite would prevent cars turning to exit the site.

PLANNING POLICY

16. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies

(LPP2), which was adopted on 8 October 2019. Other material considerations include the 2019 National Planning Policy Framework (NPPF), the National Planning Practice Guidance (the Guidance), and the 2009 Rushcliffe Residential Design Guide.

Relevant National Planning Policies and Guidance

17. The relevant national policy considerations for this proposal are those contained within the NPPF (2019) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. In accordance with paragraph 11c), development proposals that accord with an up-to-date development plan should be approved without delay.
18. 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. 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, 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.
19. 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). 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.
20. Under paragraph 196 of the NPPF, 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.
21. Further to this, the Borough Council has a statutory 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 or appearance of the conservation area.

22. The site falls within the Green Belt and therefore the proposal falls to be considered under section 13 of the National Planning Policy Framework (Protecting Green Belt Land) and should satisfy the 5 purposes of Green Belt outlined in paragraph 134 of the NPPF. Paragraph 143 sets out that development in the Green Belt should be regarded as inappropriate which is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 144 requires that substantial weight should be given to any harm to the Green Belt. Exceptions to inappropriate development are set out in paragraph 145 of the NPPF. Certain other forms of development listed under paragraph 146 are also not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of keeping land within it.

Relevant Local Planning Policies and Guidance

23. LPP1 Policy 1 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 NPPF. The proposal falls to be considered under LPP1 Policy 10 (Design and Enhancing Local Identity). 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, specifically 2(b) whereby the development should be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; 2(g) in terms of assessing the proposed materials, architectural style and detailing; and i) in terms of the setting of heritage assets. The proposal falls to be considered under Policy 11 (Historic Environment).
24. LPP1 Policy 8 (Housing Size, Mix and Choice) states that residential development should provide a mix of housing tenures, types and sizes. Paragraph 7 of this policy states that where there is robust evidence of local need, such as an up to date Housing Needs Survey, rural exception sites or sites allocated purely for affordable housing will be permitted within or adjacent to rural settlements.
25. The proposal falls to be considered under Policy 1 (Development Requirements) of the LPP2 which states that Planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, the criteria listed under this policy are met. The proposal falls to be considered under LPP2 policy 11 (Housing Development on Unallocated Sites within Settlements). Given the location of the site within the Green Belt, the proposal falls to be considered under Policy 21 (Green Belt). This policy states that decisions should be in accordance with the Green Belt policy set out in the NPPF. The proposal also falls to be considered under Policy 28 of the Local Plan Part 2 (Conserving and Enhancing Heritage Assets).
26. The site falls outside of the Key Settlements identified for growth under LPP1 Policy 3, whereby outside of these areas development should be for local needs only. This is clarified through paragraph 3.3.17 which states that local needs will be delivered through small scale infill development or on exception sites. Paragraph 3.9 of the LPP2 lists a number of smaller settlements which

are capable of accommodating a limited number of dwellings. Paragraph 3.10 states that beyond these allocations, development will be limited to small scale infill development, defined as development of small gaps within the existing built fabric of the village or previously developed sites whose development would not have a harmful impact on the pattern or character of the area.

APPRAISAL

27. The proposal falls to be considered under LPP2 Policy 11 (Housing Development on Unallocated Sites within Settlements), whereby planning permission will be granted for development on unallocated sites subject to compliance with the criteria listed under part 1 of this policy. Of specific relevance are criteria a, b, c, f, and g whereby planning permission will be granted provided:
- a) the proposal in terms of scale and location is in accordance with Local Plan Part 1: Core Strategy Policy 3 (Spatial Strategy);
 - b) the proposal is of a high standard of design and does not adversely affect the character or pattern of the area by reason of its scale, bulk, form, layout or materials;
 - c) the existing site does not make a significant contribution to the amenity of the surrounding area by virtue of its character or open nature;
 - f) the proposal would not cause a significant adverse impact on the amenity of nearby residents and occupiers; and
 - g) appropriate provision for access and parking is made.
28. In considering criterion a) above, the principle of a residential development of two detached dwellings was established through the permission granted at appeal for planning application 19/02195/FUL. The main changes proposed in this variation of conditions application are enlargement of both dwellings through a 0.5 metre increase in their ridge height, a metre increase in their depth, and the addition of front and rear dormers. In considering criterion g) above, there would be no change to the previously approved access or parking arrangements.
29. In terms of the matter of Green Belt, paragraph 145 of the NPPF sets out certain exceptions to inappropriate development which includes criterion e) limited infilling in villages. The Inspector's appeal decision determined that a development of two dwellings would be limited in numerical terms, and that the overall development would not be excessive in scale. The development would fill the space in the built form between The White House and The Orchard and, therefore, the Inspector concluded that the proposal would constitute limited infill for the purposes of paragraph 145e), thus not constituting inappropriate development in the Green Belt.
30. Taking into account the fairly modest half a metre increase in height of both dwellings coupled with the increased footprint, it is not considered that the amendments now proposed would be of such a scale that it would no longer fall within the parameters of 'limited infill' as defined in the appeal decision, given that the assessment was based on the quantum of development and its relationship with the surrounding pattern of built form. Whilst the increase in roof height and the addition of dormers would add to the massing of the

properties, it is not considered this would have a significantly greater impact on the openness of the Green Belt than the approved application so as to go beyond the definition of limited infill.

31. In terms of the impact on the character and appearance of the conservation area, the front boundary hedgerow is identified in the Townscape Appraisal as a significant hedge which make a positive contribution to the conservation area. The proposal would result in the punctuation of this hedge to create an additional vehicular access point. The planning Inspector in the appeal decision noted that the hedgerow is not wholly uninterrupted, and openings within hedgerows are a common feature of rural lanes. The Conservation Officer considers that as the majority of the frontage hedgerow would remain, the enclosed rural feel of the land would not be significantly weakened.
32. It is noted that some boundary tree/hedgerow removal has taken place. This removal is currently subject to investigation, however the Design and Landscape Officer has confirmed that some of the work carried out is justified on the basis of various trees being in a poor condition, as identified in an Arboricultural report commissioned by the application. Replacement planting is sought by way of a landscaping scheme and the Design and Landscape Officer has reminded the applicant of their duty to plant replacements for the Ash and 2 Plum trees that were removed.
33. Whilst the tree/vegetation removal that has taken place has opened up further views into the site, the dwellings would be set back 7 - 9 metres from the highway, recessed behind a wide grass verge. It is thus considered that the dwellings would not appear overly prominent in long distance views along Old Melton Road.
34. The Inspector considered that the proposed dwellings would form part of a continuous line of development, and that the traditional design and materials would not appear discordant or uncharacteristic of the rural character of the village. It is not considered that the amendments now proposed through the variation of conditions application, namely the addition of dormers and raising of the ridge height, would change this overall position.
35. It is thus concluded that the variations now proposed would not result in harm to the special interest of the conservation area. The proposal would thus preserve the character and appearance of the conservation area as a desirable objective under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
36. In terms of neighbouring amenity, the concerns regarding the potential overbearing impact on The White House are noted. The application site is elevated relative to this neighbour. The dwelling on Plot 2 would however be set 12 metres from the boundary with The White House, a relationship that was considered acceptable in the previous application. The proposed increase in the height and depth of the dwelling, together with the addition of dormers would add to the bulk and massing of the side profile of Plot 2. Given the relatively modest half a metre increase in the roof ridge height, coupled with the separation distance from this neighbour, it is not considered that there would be a harmful overbearing or overshadowing impact on this neighbour.

There would be no windows in the side elevation facing this neighbour and, therefore, there would be no unacceptable overlooking from the proposed dwelling.

37. The dwelling on Plot 1 would retain the same set-back from the boundary with The Orchard as in the approved application. The 'one-and-a-half storey' side projection adjacent to this neighbour would retain the same height and footprint as in the approved application. The front and rear dormers would have a 0.2 metre increased ridge height, but it is not considered that this would materially impact upon this neighbour.
38. A replacement dwelling is currently under construction at The Orchard following the grant of planning permission under reference 18/02788/FUL. The relationship between Plot 1 and this replacement dwelling has been considered. This neighbouring dwelling, once complete, would be set away from the boundary by 3.9 metres at the closest point, with a single storey side projection featuring a utility. The main two storey dwelling would be set away circa 8 metres from the boundary with the application site. The side elevation of the replacement dwelling would feature a first floor en-suite window but no windows serving habitable rooms. The proposed dwelling on Plot 1 would not impact upon the front and rear habitable room windows of this neighbouring replacement dwelling.
39. The archaeology officer comments are noted, however the matter was identified as a constraint during the course of the 2019 application and the appeal decision did not include an archaeological condition. It would therefore seem unreasonable to attach the condition to this application (which is only a minor variation) and the archaeological officer has withdrawn her comments.
40. In conclusion, the principle of development was established through application 19/02195/FUL which was allowed on appeal. It is not considered that the changes proposed through the variation of conditions application would change the previously established position of the site as a limited infill development, or that the changes would result in harm to the character and appearance of the conservation area. The overall appearance in the street scene is considered acceptable subject to a suitable landscaping scheme. It is not considered that the changes would result in harm to the amenities of the neighbouring properties.
41. The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary, resulting in a recommendation to grant planning permission.

RECOMMENDATION

It is **RECOMMENDED** that planning permission be granted subject to the following conditions

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: Location Plan, GA331/26 (Visibility Splays), Block Plan, GA331/20 (Proposed Plot 1 Plans), GA331/21A (Proposed Plot 1 Second Floor Plan and Side Elevations), GA331/22A (Proposed Plot 1 Front & Rear Elevations), GA331/23 (Proposed Plot 2 Ground and First Floor Plans), GA331/24 (Proposed Plot 2 Second Floor Plan and Side Elevations), and GA331/25 (Proposed Plot 2 Front & Rear Elevations), received on 30 October 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. No construction of the dwellings shall take place above foundation level until details of the facing and roofing materials to be used on all external elevations 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 1 (Development Requirements) and Policy 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4 x 43m are provided at each access in accordance with details to be first submitted and approved in writing by the Borough Council. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m metres in height.

[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].

5. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary, with provision to prevent the discharge of unregulated discharge of surface water onto the public highway. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material with provision to prevent surface water runoff for the life 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. No trees or hedgerows shall be removed during the development until details of any trees/hedgerow to be removed have been submitted to and approved in writing by the Borough Council and the works shall be carried out in accordance with the details as approved.

[In the interests of the appearance of the area and to comply with policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1: Core Strategy].

7. Prior to the commencement of development or other operations being undertaken on site a scheme for the protection of the retained trees produced in accordance with BS5837 (Trees in Relation to Construction 2012: Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

[In the interests of the appearance of the area and to comply with policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1: Core Strategy].

8. The development shall not be brought into use until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[To make sure that a satisfactory landscaping scheme for the development is implemented in the interests of the appearance of the area and to comply with policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1: Core Strategy].

9. Should any protected or priority species be found to be present on site then all work shall cease and mitigation measures shall be submitted to an appropriately qualified ecologist. No further work shall be undertaken until these mitigation measures have been approved in writing by the Borough Council and works shall proceed only in accordance with the agreed mitigation measures.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy].

10. The dwellings hereby approved shall be designed and constructed 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].

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.

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.

Condition 10 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.