

**20/03176/FUL**

**Applicant** Thomas Macfarlane & Isobel Holmes

**Location** 19 Damson Road East Leake Nottinghamshire LE12 6QY

**Proposal** Erection of detached double garage

**Ward** Leake

## THE SITE AND SURROUNDINGS

1. The application relates to a two storey semi-detached dwelling located at the end of a cul-de-sac within a modern residential development on the western edge of East Leake (approved under 13/02259/REM). The dwelling is currently served by a large drive running from the turning head. The site abuts an area of open green space to the east. There is a railway cutting to the rear serving the heritage railway line.

## DETAILS OF THE PROPOSAL

2. The application seeks planning permission for the erection of a double garage measuring 6.7 metres in width, 5.1 metres in depth with a height of 5.6 metre to the ridge, to be positioned 0.3 metres from the rear (west) boundary and 3 metres from the northern boundary. The facing and roofing materials would match the dwelling.
3. The originally submitted plans proposed a 9.4 metre wide garage, however the application plans were amended during the consideration of the application to reduce the width of the garage.

## SITE HISTORY

4. No relevant planning history.

## REPRESENTATIONS

### Ward Councillor(s)

5. One Ward Councillor (Cllr Thomas) objects to the application, commenting that; *“When this estate was built there was considerable discussion about the positioning of the house of 19 Damson Close, given the proximity to the railway cutting. The final position was agreed as I recall after some sort of engineering assessment. This was the closest the building could be positioned due to the possibility of destabilising the cutting itself and in time possible danger to the house. The garage site is closer than this to the cutting and I suggest that an appropriate technical opinion is obtained about the stability of the cutting and that the railway operator is also consulted.*
6. *This is a large double garage, larger than others on the estate, which puts the building out of character with its surroundings. It stands alone rather than being closely associated with the house, as others are on this estate. It is for a 2*

*bedroom house that has two parking space allocated. The footprint of the garage is larger than that of the house. It is larger than a standard sized double garage. The development plans show an open area with landscaping here, contributing to the open space provision for the estate, and the open aspect rather than an enclosed private space. Is permission needed for change of use from open space to private garden? Should permission be granted I request a condition to ensure that the building is only used for garaging and storage of garden equipment in conjunction with this property alone, and that any future business or residential use of the building would require further planning permission.”*

7. Cllr Thomas submitted a further objection in response to the revised plans, commenting that *“The reduced size is an improvement, but it is still significantly larger (height, width and depth) than other garages on the site (see drawings in application 14/02313/FUL). My other comments stand.”*
8. One Ward Councillor (Cllr Shaw) objects on the basis that *“this is a substantial tandem double garage which will dominate the site and as such is considered to be totally inappropriate.”*
9. Cllr Shaw commented further in response to the revised plans, objecting and noting that *“Whilst it is pleasing that the size of the proposed garage has been reduced, it remains out of character with the other properties in this street.”*

#### **Town/Parish Council**

10. East Leake Parish Council objected to the originally submitted plans on grounds that the garage would be considerably larger than those on the rest of the estate, out of keeping and there are already two parking spaces outside the house. Proximity to the cutting could lead to destabilisation and risk to property. The large roof space will cause a lot of water to go into the system, query where this would go. They submitted further comments wishing to seek reassurance that, if approved, the garage will not be used for commercial purposes.

#### **Statutory and Other Consultees**

11. The Nottinghamshire County Council as Highway Authority does not object.
12. Network Rail commented that the adjacent railway is maintained by Great Central Railway.
13. Great Central Railway object to the application, commenting that the line carries both Commercial Freight and Heritage trains. The close proximity of the new building to the top of the embankment gives concern regarding the possibility of destabilisation to the integrity of the structure of the embankment which is the basis of the objection. It is questioned where the rainwater from the new building would go as this could also lead to problems with the embankment.

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

14. Comments have been received from three neighbours/members of public objecting with the comments summarised as follows:

- a. Out of scale and out of keeping with surroundings.
  - b. Alleged use of property for commercial vehicles/concern about commercial use.
  - c. Garage at odds with the size of the property.
  - d. Could set a precedent.
  - e. Amended proposal still out of scale with the property and surrounding houses.
15. Comments have been received from two neighbours/members of public in support with comments summarised as follows:
- a. Garage would make property look more compete.
  - b. Disagree that the garage would be out of scale as it is a large plot.
  - c. Many properties with similar garages.
  - d. Design and materials would reflect those used on the estate.
  - e. Not an issue provided it is not used solely for running a business.

## **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. The East Leake Neighbourhood Plan also forms part of the development plan for the area. 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 shall 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 shall 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.

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

19. 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 National Planning Policy Framework. The proposal falls to be considered under LPP1 Policy 10 of (Design and Enhancing Local Identity). The development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Section 2 of this policy sets out the design and amenity criteria that development should be assessed against.
20. The proposal falls to be considered under Policy 1 (Development Requirements) of the LPP2, specifically the following criteria: 2) ensuring a suitable means of access without detriment to highway safety, with parking in accordance with Highway Authority requirements; and 4) ensuring 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.
21. The East Leake Neighbourhood Plan forms part of the Development Plan for Rushcliffe and is therefore a material consideration in decision making. Paragraph 30 of the NPPF states that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently. The proposal falls to be considered under section 2.4 (Issues of Building Standards and Design) and Policy E1 (Containment of the Built Environment).

## **APPRAISAL**

22. The application site is located at the end of a cul-de-sac within a modern estate, abutting an area of public open space to the north. The proposed garage would be sited on the driveway forward of the application property. The garage would be sited 9.5 metres from the frontage of the adjoining neighbour at 18 Damson Road at the closest point. Due to the position broadly to the north of this neighbour, there would not be a significant overshadowing impact. This neighbour has ground and first floor windows in the northern elevation, however given the offset position of the garage and the separation distance from these windows, it is not considered that there would be an undue overbearing impact.
23. The main considerations raised in letters of representation relate to the visual appearance of the garage and the potential impact on the stability of the railway embankment to the rear (west).
24. In terms of visual amenity, the originally submitted plans proposed a garage measuring 9.4 metres in width. Following consultee comments regarding the scale of the garage, discussions took place with the applicant's agent and the plans were revised to reduce the width to 6.7 metres. In considering the built form within the Woodgate Road estate, the scale of the garage would be akin

to garage type LCC5 approved as part of the original housing development (planning reference 14/02313/FUL).

25. In considering East Leake Neighbourhood Plan Policy E1 (Containment of the Built Environment), the site is located close to identified Ridge A, however the garage would be built on level ground and it would not impact on views out of the village towards open countryside, given its location within the Woodgate Road development.
26. The proposed garage would be positioned approximately 13 metres from the side turning head, therefore views of the garage from Damson Road would be largely confined to the turning head itself and longer distance views from the end of Quince Close to the east. The garage would however be clearly visible from the adjacent open space immediately to the north. It would however be set back a minimum of 3 metres from this adjacent open space and thus it is not considered that it would appear overly dominant in the context of the adjacent two storey host property. The garage would be sited on the existing driveway hardstanding and would not encroach on this green space.
27. The overall built form and materials would reflect the appearance of the existing properties and it is not considered that it would harm the visual amenities of the area. In considering part 2.4 of the East Leake Neighbourhood Plan (Issues of Building Standards and Design), it is considered that the proposal would be well designed and would not detract from the character of East Leake.
28. In terms of the consultee concerns relating to the stability of the adjacent railway embankment, advice has been sought from Building Control (East Midlands Building Consultancy) who consider that there are ways to construct the garage safely so that it will not impact on the stability of the bank. They suggest that a foundation below the angle of repose or angle of frictional retained material would be suitable, and a suitable design would not destabilise the railway embankment. The footprint of the proposed garage is of a size that would attract a need for approval under the Building Regulations and this would include ensuring the foundations are of an appropriate design/depth. Therefore, a note to applicant is recommended to ensure that the proximity of the garage to the top of the railway embankment is taken into account in the design of the foundations.
29. With regard to surface water drainage, the applicant's agent has confirmed that this will be disposed of to the existing storm water drain. No details of the means of disposal of surface water were provided with the application and, therefore, a condition is recommended to address this issue.
30. The Highways Authority do not object to the proposal. The proposal would not compromise the existing parking situation.
31. 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 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 plans: 2019/D1 Rev A (Site Location Plan), 2019/D2 Rev A, and 2019/P01 Rev A (Existing and Proposed Elevations), received on 8 February 2021.

[For the avoidance of doubt and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. The garage hereby permitted shall be constructed in suitable facing and roofing materials to match the elevations of the existing property, as specified in the application, and no additional or alternative materials shall be used.

[To ensure the appearance of the development is satisfactory and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

4. The garage shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as 19 Damson Road.

[In the interests of neighbouring amenity and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

5. The construction of the garage hereby approved shall not proceed above foundation level until such time that details of the disposal of surface water from the garage roof have been submitted to and approved in writing by the Borough Council and the works shall only be carried out in accordance with the details as approved.

[To ensure a satisfactory standard of development in terms of the disposal of surface water, to minimise the risk of flooding elsewhere and to ensure that the development does not adversely impact on the stability of the adjacent railway embankment, having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

## 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 not CIL chargeable. 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.

The footprint of the garage is of a size that would attract a need for approval under the Building Regulations. When applying for building regulations, the proximity of the proposed garage to the top of the railway embankment should be brought to the attention of the Building Regulations Authority or chosen approved inspector and the design and depth of the foundations should take into account the ground conditions in order to ensure that the garage is not susceptible to movement and does not adversely affect the stability of the railway embankment.