

# 21/01613/VAR

**Applicant** Ms Judith Evans

**Location** Land Off College Road College Road Sutton Bonington Nottinghamshire LE12 5RA

**Proposal** Variation of Condition 2 (the approved drawings) of planning permission 19/02559/VAR to reflect changes to approved plans (Roof pitch to Plot 1 lowered to reduce overall ridge height. Porch design alteration).

**Ward** Sutton Bonington

## THE SITE AND SURROUNDINGS

1. The application site comprises a rectangular parcel of land set back from College Road in the built-up part of Sutton Bonington. To the east (across College Road) is the University campus. To the west (rear) of the site is a large detached dwelling known as Wayside. To the south are two large, two-storey detached dwellings (No. 1 and No. 3 College Road), which share a vehicular access with Wayside. The eastern site boundary is shared with no 7 College Road (also known as Hillcroft), a large detached property with extensive curtilage.

## DETAILS OF THE PROPOSAL

2. The application seeks planning permission for the Variation of Condition 2 (the approved drawings) of planning permission 19/02559/VAR to reflect changes to approved plans (Roof pitch to Plot 1 lowered to reduce overall ridge height, porch design alteration, installation of new window and the addition of a flue) at Land Off College Road, Sutton Bonington.
3. The proposed development would have a maximum height of 7.36m dropping to 5.09m at the eaves. The width would be 14.62m and a depth of 9m. A front porch is also proposed with a height of 3m, a width of 4.1m and would project 1.1m from the front elevation. The proposed material finish is as follows:
  - Roof - Zinc cladding
  - Walls - Timber cladding
  - Windows - Dark grey aluminium
  - Rainwater goods/guttering - Black upvc
4. A number of variations are proposed to the works approved under application 19/02559/VAR, these are as follows:
  - Reduction in height of the pitch roof from 8.6m to 7.36m incorporating a 30 degree pitch roof.
  - Erection of a front porch.
  - One window has been proposed to the side elevation (South East).
  - Addition of a flue.

- The proposed material finish would now be timber cladding on the side elevations to match those proposed on the front.

## **SITE HISTORY**

5. 18/00663/FUL – Planning permission was granted for the ‘Erection of two detached dwelling on the 22<sup>nd</sup> March 2018.
6. 19/02559/VAR - Planning permission was granted for the ‘Variation of condition 2 of planning permission 18/00663/FUL to allow changes to the house design’ on the 17th January 2018.
7. 20/00290/DISCON – A planning application was submitted seeking to ‘Discharge Conditions 4 (Ground floor and levels), 5 (Landscaping scheme) and 6 (Tree and hedge protection) of planning permission 19/02559/VAR. The conditions were discharged on the 17<sup>th</sup> January 2020.

## **REPRESENTATIONS**

### **Ward Councillor(s)**

8. The Ward Councillor (Cllr Barney) commented on the 18th June 2021 noting no objection to the development. On the 19th June 2021, Cllr Barney then raised an objection to the development, noting his objection was in line with Parish Council’s response. Further correspondence from the Councillor has expressed concern that plot 1 is a departure from the precedent set by the other four plots on the site

### **Town/Parish Council**

9. Sutton Bonington Parish Council have raised an objection to the proposed variations, noting the following:
  - An inappropriate alteration in the pitch of the roof from 45 to 30 degrees.
  - The alteration in the pitch of the roof will mean the roof appears shallower.
  - The alteration in the pitch of the roof will therefore not be in keeping with the neighbouring properties.
  - The alteration will mean that it is not in keeping with the rest of Sutton Bonington

### **Statutory and Other Consultees**

10. Nottinghamshire County Council as Highways Authority have raised no objection to the proposed development.
11. Nottinghamshire County Council Archaeology Officer has comments or recommendations to offer.

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

12. During the consultation process, five neighbours from three properties have raised concerns. Their comments have been summarised below:

- a. Altering of the roof would be out of keeping with the character of the area.
- b. Other properties have a 45 degree angle roof.
- c. Foundations have been poured.
- d. Cladding has also been changed.
- e. Window and door on the SE elevation should be opaque.
- f. No justification why the proposed changes are required and confused as to why the applicant has applied.

## **PLANNING POLICY**

13. 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).
14. 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**

15. National Planning Policy Framework and National Planning Practice Guidance
  - The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.
16. The National Planning Policy Framework (NPPF) 2021 seeks to ensure the planning system contributes to the achievement of sustainable development. 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). These objectives are:
  - Economic
  - Social
  - Environmental
17. Additionally, the NPPF is underpinned by the need to secure good design. The NPPF states that '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'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

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

18. LPP1 sets out the overarching spatial vision for development Rushcliffe Borough to 2028 and provides the planning framework for the other documents including Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). It provides the statutory planning framework for the borough. The Local Plan will be used to guide decisions on planning applications and areas where investment should be prioritised.
19. The Plan contains a vision, objectives and an overall strategy for development. It includes policies on both the scale of development and its overall pattern across the borough. It allocates many of the sites that are needed to accommodate new development along with areas to be protected or enhanced.
20. Policy 1 of LPP1 reinforces 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 Core Strategy Policy 10 (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. The development should be assessed in terms of the criteria listed under section 2 of Policy 10, and of particular relevance to this application are 2(b) whereby the development shall be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.
21. Policy 1 (Development Requirements) of LPP2, in particular criteria 4, relating to scale, density, height, massing, design, layout and materials, is relevant to the determination of this application.

## **APPRAISAL**

### Principle of the development

22. The principle of erecting a dwelling on the land has been established through the approval of application ref: 18/00633/FUL which granted permission for two detached dwellings. The application proposes to vary the proposed height of the roof, while also seeks to implement a number of alterations including a front porch, materials finish and installation of windows. As such, it is considered that the principle of the development has been established.

### Impact upon the character of the area

23. LPP1 policy 10, Design and Enhancing Local Identity, states that development should make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce valued local characteristics. Development should be assessed, amongst other things, in terms of its massing, scale, proportions, materials, architectural style and detailing. This is reinforced under policy 1 of LPP2, which also states that development should be sympathetic to the character and appearance of neighbouring buildings and the surrounding area.

24. Chapter 12 of the NPPF is concerned with achieving well-designed places. Specifically, it requires that 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. Development should also be visually attractive as a result of good architecture, layout and landscaping and should be sympathetic to local character and history and maintain a strong sense of place.
25. As noted above, the proposed development seeks alterations to plot 1 which was approved under application ref: 18/00633/FUL, with variations also approved under application ref: 19/02559/VAR. The variation sought would have a maximum height to ridge of 7.36m dropping to 5.09m at the eaves. The width would be 14.62m and a depth of 9m. A front porch is also proposed with a height of 3m, a width of 4.1m and would project 1.1m from the front elevation. Several variations are proposed to the works approved under application 19/02559/VAR, these are as follows:
- Reduction in height of the pitch roof from 8.6m to 7.36m. incorporating a 30 degree pitch roof.
  - Erection of a front porch.
  - One window has been proposed to the side elevation (South East).
  - Addition of a flue.
  - The proposed material finish would now be timber cladding on the side elevations to match those proposed on the front.
26. In term of design, the proposed roof alteration to the dwelling would result in a development with a similar height which was approved under application ref: 18/00633/FUL. The original development approved under this application had a maximum height of 7.6m, while the development would have a similar footprint which was approved under the variation of condition application 19/02559/VAR. The siting and orientation of the dwellings would not materially alter from that approved.
27. The proposed front porch and the addition of a flue is considered to be a modest addition to the property and has been designed in a manner which complements and enhances the main dwelling. The proposed materials include timber cladding to the walls, dark grey aluminium to the windows and zinc roofing is considered to be acceptable, with the proposed window on the first floor side elevation (SE) not considered to have a detrimental impact upon the character of the dwelling.
28. It is considered that the proposed alterations will not affect the cohesive form of the development that when viewed from College Road will provide a pleasant collection of rooflines and forms that have the same palette of materials, the same features and yet individual interest too. It is noted that there are a variety of house types and styles in the locality, with the adjacent dwellings to the south (No. 1 and No. 3 College Road) being contemporary in design and finished in wooded cladding/ render with red tile roofs, whilst the dwelling to the west (Wayside) is more traditional in character.
29. Therefore, having taken the above information into account, it is considered that the proposed alteration would not result in an incongruous or inappropriate form of development in the streetscene. Overall, the scale and design of the

development proposal is considered acceptable and in accordance with LPP1 Policy 10, Policy 1 of the LPP2 and the NPPF.

#### Impact upon residential amenity

30. LPP1 policy 10 states that development should be assessed in terms of its impact on the amenity of nearby residents. This is reinforced under policy 1 of LPP2, which states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties.
31. The potential for impact on residential amenity was considered as part of the determination of planning application 18/00663/FUL. Whilst the principle of the dwellings has been established, this application proposes to reduce the height of the roof for plot 1 which was approved under 19/02559/VAR and includes a new window which require due consideration.
32. The proposal seeks to reduce the height of the development from 8.6m to 7.3m. In terms of impact on neighbouring properties, the Delegated Report for planning application 18/00663/FUL, which had a maximum height of 7.6m, stated that '...it is not considered that the Hillcroft to the north would be adversely affected by the proposed development due to the extensive grounds it sits within and the mature trees and landscaped edge to the northern site boundary...nor is it considered that the proposal would result in unacceptable overlooking or loss of privacy to no.3 College Road nor to Wayside to the rear of the proposed properties'. It is not considered that the proposed alterations to the dwellings would alter this conclusion.
33. The proposed front porch is not considered to result in any overlooking, loss of privacy or overshadowing to the adjoining properties, while the proposed flue is not considered to be detrimental to the amenity of the neighbouring properties.
34. It is acknowledged that a new window opening has been proposed to the first-floor side elevation (SE), this window has not been annotated as obscure glazed. Two windows on the first-floor side elevation (NW) have also not been annotated as obscure glazed. It is considered that while these windows have to potential to result in overlooking upon adjoining properties, a condition can be attached ensuring that these windows are fitted with obscure glazing which would mitigate any impact.
35. Therefore, taking the above information into account, it is considered that the proposed alterations would not have a detrimental impact upon the residential amenity of the adjoining properties.

#### Impact upon highway/parking

36. Nottinghamshire County Council as Highways Authority have been consulted regarding the proposed alteration, in which they have raised no objection to the proposed development. Taking into account, the above information, officers are of the view that the proposed alterations are not detrimental to highway safety.

### Third Party Representations

37. During the consultation process, a number of objections have been received regarding the proposed alterations to the dwelling. Objections have been received from the ward councillor, Sutton Bonington Parish Council and members of the public. The objections have been summarised below and will now be addressed:
- Altering of the roof would be out of keeping with the character of the area.
  - Other properties have a 45 degree angle roof.
  - Cladding has also been changed.
38. As noted within the 'Impact upon the character of the area' section of the report, the proposed alterations will not result in an incongruous form of development as there are a variety of house types and styles within the locality.
39. Window and door on the SE elevation should be opaque - Officers have acknowledged this within the 'Impact upon residential amenity' section of the report, noting that a condition is recommended to ensure that the windows on the side elevation are obscure glazed.
40. Foundations have been poured - it should be noted that the application site has planning permission approved under 18/00663/FUL and 19/02559/VAR, therefore, development is commencing in accordance with the approval on the site.
41. No justification why the proposed changes are required and confused as to why the applicant has applied - Due to the nature of the application, there is no validation requirement for the applicant to provide a statement or justification. The documents provided with the application were sufficient to validate the application and being the formal process of assessing the development.

### Conclusion

42. The proposal would be visually acceptable, would not impact on residential amenity and would not be harmful to highway safety. There would also be no adverse impact on the character and appearance of the area. Accordingly, the proposed development is considered to conform with the objectives of Policies 1 and 10 of the LPP1, Policy 1 of the LPP2 and the Design Guide. The application is therefore recommended for approval subject to conditions.
43. 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.

### **RECOMMENDATION**

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

1. The development hereby permitted shall be carried out strictly in accordance with the following approved drawings, received on the 25th May 2021:

- 2001-P1-101-PLOT 1-FLOOR PLANS
- 2001-P1-101-PLOT 1-ELEVATIONS

[For the avoidance of doubt having regard to policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

2. The development hereby permitted shall not proceed beyond the damp proof course level until details of the facing, roofing and fenestration 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 of the Local Plan Part 2: Land and Planning Policies].

3. Occupation of the approved dwellings shall not take place until the access driveway has been surfaced in a bound material (not loose gravel) to a width of 4.25m for a minimum distance of 5.0 metres behind the highway boundary, as shown on drawing no. 17009 PA04 and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

[In the interest of highway safety and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. Prior to the occupation of the development, details of all screen fencing/ walling and means of enclosure to be erected on the site shall be submitted to and approved in writing by the Borough Council. Details to be submitted shall include the precise location, appearance and scale of all means of enclosure within the site. The development shall not be brought into use until the approved screen fencing/walling and means of enclosure have been completed, and they shall be retained thereafter.

[In the interest of amenity and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. The proposed windows on the first-floor side elevations (SE and NW) of the development hereby permitted must be:
  - a) non-opening to a height of 1.7m from internal floor level, and;
  - b) fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent.

Thereafter, the windows must be retained to this specification throughout the lifetime of the development.

[To preserve the amenities of neighbouring properties, having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].



## **Notes to 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.