

# 18/00062/FUL

**Applicant** Mr Downey

**Location** 50 Priory Road West Bridgford Nottinghamshire NG2 5HU

**Proposal** Single storey side and rear extensions, loft extension (extend roof to form gable roof to rear and side dormer), privacy screen to boundary with 52 Priory Road, raised patio at the rear and front porch (resubmission)

**Ward** Trent Bridge

## THE SITE AND SURROUNDINGS

1. The application site is broadly rectangular and contains a large detached dwelling. There is a shallow front garden located to the north of the property and a large private garden to the south. The walls of the house are red brick, except for the front elevation which is painted render with faux timber cladding and the roof has red tiles. Vehicle access and parking is provided at the front of the property, off Priory Road which adjoins the site's northern boundary. The rear garden is located on a slightly lower ground level to the house and it is bounded by a red brick wall of varying heights as well as some screen planting.
2. The majority of properties within the street are large detached, late 19<sup>th</sup> and early 20<sup>th</sup> century houses, including the neighbouring houses, to the west 48 Priory Road and to the east 52 Priory Road. The site is located close to the centre of West Bridgford, nonetheless the surrounding properties are primarily residential, large detached properties set within spacious plots which gives the area a suburban character.
3. The site is located within the Environment Agency Flood Zones 2 and 3 yet due to the areas flood defences it is the equivalent of Flood Zone 1. The Environment Agency's standing advice has been applied.

## DETAILS OF THE PROPOSAL

4. The proposal is an amended scheme for single storey extensions at the side and rear of the house; a privacy screen adjacent to the boundary with 52 Priory Road; a loft conversion including extending the roof to form a rear gable; a dormer extension to the side roof slope; a raised patio at the rear and a porch at the front of the house. The single storey rear extension has already been constructed pursuant to a previous planning permission.
5. The rear extension wraps around the property's east elevation. It projects out 4.08m from the rear elevation of the original house, with an additional bay window projecting out a further 747mm, and measures 4.091m in width by 12.768m in total length (running down the side of the dwelling). The height to the eaves is 2.78m, measured from the finished internal floor level which is approximately the same level as the damp proof course and the height to the ridge is 4.368m from the finished internal floor level.

6. The proposed side extension would be a storage area and would project out 2.8m from the side (west) elevation and 3.018m past the rear elevation of the original house. It would measure 5.939m in length. The eaves would be 2.1m and the ridge would be 3.4m from the internal finished floor level. This extension would link the rear of the existing house to the existing garage, which is proposed to be converted to a study.
7. The loft conversion includes a hip to gable extension, the gable would be located in the rear elevation and one window would be inserted at 2<sup>nd</sup> floor level. The roof would measure 5.6m in height to the eaves and 9.2m in height to the ridge; the same as the existing roof.
8. The dormer extension would project out from the west plane of the roof. It would have a dual pitched roof with a side gable containing a window. The dormer extension would measure 3.1m in width and height.
9. The raised patio would measure up to 400mm above the natural ground level of the garden and extend rearwards from the existing rear elevation of the house by between 5.806m and 8.728m. It would be located between the side extension and converted outbuilding and the boundary with 52 Priory Road and provide a step down into the garden.
10. The porch would project out 1.2m from the front elevation of the original house and measure 2.2m in width by 2.1m in height to the eaves and 3.3m in height to the ridge.
11. The scheme has been amended during the course of the application to set the eaves of the rear extension in from the shared boundary with 52 Priory Road, include a box gutter to obviate any encroachment over the boundary and accurately show the location of the bay window in the rear elevation. In addition a privacy screen is proposed to be located along the shared boundary with 52 Priory Road. It would project out 1.8m from the rear elevation of the rear extension and measure 1.7m high, measured from the finished internal floor level. As shown the proposed plan shows the heights of the rear extension as taken from the internal finished floor level.

## **SITE HISTORY**

12. Planning permission (ref. 17/00236/FUL) was granted in April 2017 for single storey side and rear extensions; loft conversion (extend roof to form rear gable) and front porch (amended plans). Work has been substantially completed in respect of the rear extension but the proposal has not been built in accordance with the approved plans. The height of the single storey rear extension as built is 0.2m higher and is closer to the boundary with 52 Priory Road than shown on the approved plans. Building the extension closer to the boundary resulted in the eaves and gutter of the rear extension overhanging the shared boundary and the roof of the neighbour's garage.

## REPRESENTATIONS

### Ward Councillor(s)

13. One Ward Councillor (Cllr MacInnes) objects to the proposal on the following grounds: the extension has an overbearing, claustrophobic and encroaching effect; its excessive height and length cause loss of natural light, privacy and some shadowing reducing amenity; the bay window is highly intrusive, an invasion of the neighbour's (no.52) privacy caused by the overlooking of their private rear garden; Rushcliffe's Residential Design Guide raises specific concerns about facing windows from kitchens; the 2.9m privacy screen creates more overbearing results and Rushcliffe Residential Design Guide states "*walls and fences over 1.8m can be overly dominating*".

### Local Residents and the General Public

14. Objections have been received from two neighbouring properties. Their grounds for objection are summarised below:
  - a. The dormer window would over dominate the roof profile contrary to the Rushcliffe Residential Design Guide: "*typically dormers should be sited on the rear roof plane*" and "*nor should they dominate the roof slope*".
  - b. The dormer would harm the symmetry, character and proportions of the property.
  - c. There are no side dormers in the area so it would set an unwelcomed precedent.
  - d. Cumulatively the proposal would represent over development of the site.
  - e. The plans submitted in March 2017 included inaccuracies, the side elevation showed the rear extension projecting 2m from the rear elevation, had they been accurate the neighbour would have objected.
  - f. The building work does not meet the requirements of the approved plans from 14<sup>th</sup> March, it projects out 2m further to the rear and the height and pitch of the roof is excessive.
  - g. The rear extension is overbearing, has resulted in a loss of light and outlook from the house and garden.
  - h. The rear extension overhangs the boundary, trespassing on the neighbouring property.
  - i. The proposal would set dangerous precedents for further building in relation to scale, proportions and privacy expected from an extension, which is in conflict with the Rushcliffe Residential Design Guide.
  - j. Risk-taking behaviour by applying retrospectively.

- k. Overbearing, claustrophobic and encroaching affect.
  - l. Would intersect a 45° angle line taken from the living room window in the neighbouring property contrary to the Rushcliffe Residential Design Guide.
  - m. The bay window and door has created a highly intrusive and overbearing invasion of privacy and visual amenity to the neighbouring property.
  - n. The proposed privacy screen would make the overbearing situation worse.
  - o. To permit the proposal would set a dangerous precedent.
  - p. The side elevation of the extension adjacent to the boundary is unfinished breeze blocks.
15. In response to reconsultation in respect of the amended scheme one letter had been received at the time of writing. The writer maintains their objections to the development on the grounds of overbearing impact and loss of light and raises further objections to the raised patio, for which they say there are no details or plans provided. They consider that the patio would give rise to further opportunities for overlooking of their property. They do not consider that the addition of a privacy screen would prevent overlooking from the bay window. They say that the proposed guttering will result in damage to their property and is already causing dampness at the base of their garage.

## **PLANNING POLICY**

16. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996. Other material planning considerations include the National Planning Policy Framework (NPPF), the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).

### **Relevant National Planning Policies and Guidance**

17. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that, for decision taking, this means *“approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *Specific policies in the Framework indicate development should be restricted.”*

18. In relation to residential amenity paragraph 9 of the NPPF states, *"Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life, including (but not limited to): improving conditions in which people live, work, travel and take leisure"*. Paragraph 60 of the NPPF relates to design and states, *"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness"*. Paragraph 64 states, *"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. None of the 5 saved policies of the Rushcliffe Borough Local Plan are applicable to this proposal.
20. Policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy 10 states, inter-alia, that all new development should be designed to make a positive contribution to the public realm and sense of place and reinforce valued local characteristics.
21. Whilst not part of the development plan the Borough Council has adopted the Rushcliffe Borough Non-Statutory Replacement Local Plan for the purposes of development control and this is considered to be a material planning consideration in the determination of planning applications. Policy GP2 is concerned with issues of design and amenity and the effect of proposals on neighbouring properties.
22. Consideration should also be given to supplementary guidance provided in the 'Rushcliffe Residential Design Guide' which with regard to rear extensions provides that: "The extension should respect the residential amenity of neighbours by ensuring it is not overbearing and does not overshadow their windows or gardens. It is vital to consider the scale of the extension and how it will appear from the neighbour's house or garden."

### **APPRAISAL**

23. The principle of much of the development has been established by planning permission ref. 17/00236/FUL which was granted for single storey side and rear extensions; loft conversion (extend roof to form rear gable) and front porch (amended plans). However, as already stated the works undertaken have not been carried out in accordance with the approved plans. In addition this planning permission did not cover the proposed dormer extension in the side roof slope or the raised patio and privacy screen at the rear of the house.
24. The proposed extensions would have a traditional form including the use of dual pitched roofs and traditional bay features to match the existing. The materials proposed, red brick and red tiles, have been chosen to match the existing ensuring continuity of design and appearance. It is considered that

the proposals would respect the scale and proportions of the original house. The proposed side and rear extensions would be set back from the front elevation of the original house by at least 3.4m and so appear subordinate to it. It is considered that the proposal would be sympathetic to the character and appearance of the existing and neighbouring properties, as well as the surrounding area.

25. Concerns have been raised in objections received that the proposal would represent over development of the site. The proposed extensions would not result in a large proportion of the site being covered by buildings. A large private garden would be retained at the rear of the property. The footprint of the single storey extensions and porch total less than the footprint of the original house. The proposed extensions to the roof would not result in an increase in the building's overall height and would only affect the rear and one side elevation. It is therefore considered that the proposal would not lead to overdevelopment of the site.
26. The rear elevations of the application property and its adjacent neighbours are south facing. The neighbouring house at 52 Priory Road to the east has a flat roof detached garage built up to the shared boundary with the site. The rear extension projects out about level with the rear elevation of the garage at no.52 which would predominantly screen it from this neighbour's garden.
27. The rear extension includes a bay window in the rear elevation which would serve a kitchen/family room. Only this bay window would project out beyond the rear elevation of the neighbour's garage. Cllr. MacInnes has made reference to a section of the Rushcliffe Residential Design Guide regarding kitchen windows *"providing far greater opportunities for overlooking"*. However, his interpretation of this guidance has been quoted out of context, what it actually states is, *"kitchen windows and first floor lounge windows can in some cases but more particularly in apartments or flats provide far greater opportunities for overlooking than living rooms at ground floor level. There is generally less concern where first or even second floor bedroom windows overlook private spaces."* This section of guidance, therefore, has little relevance as the bay window would serve a ground floor room.
28. The Rushcliffe Residential Design Guide does, however, provide guidance on how rear privacy can be protected which includes, *"The use of louvers and screens including glass brick walls"*. The proposal has been amended to include a short privacy screen along the boundary with 52 Priory Road to screen the bay window in the rear extension and prevent undue overlooking of the rear garden area of this neighbour.
29. It is correct that the Residential Design Guide advises boundary treatments exceeding 1.8m in height can be overbearing. The height of the privacy screen has been reduced to the minimum considered necessary to protect the privacy of 52 Priory Road's rear garden, 1.7m above the internal finished floor level. From the natural ground level of the neighbour's rear garden it would measure approximately 2.3m in height. The screen would span a short 1.8m section of the shared boundary. Overbearing impacts and undue overshadowing would be mitigated by the screen's lowered height, short length as well as the neighbour's existing garage and tree located adjacent to the shared boundary

30. The proposed rear extension has been constructed with a dual pitched roof. As constructed the eaves and guttering of this roof overhang the garage roof at 52 Priory Road. The scheme has been amended to include a box gutter so that the development would be located wholly within the application site.
31. Concerns have been raised over the height of the proposed rear extension. It is the case, that the proposal as constructed is 200mm higher than shown on the plans approved in March 2017, however, this slight increase in height is not considered to have resulted in undue harm to the amenity of 52 Priory Road. As with the application site the neighbouring property is a large detached house located within a wide south facing plot. It is accepted that the proposal would lead to some overshadowing of the neighbour's house and garden at certain times of the year but its impact would be limited by 52 Priory Road's existing garage which is located adjacent to the shared boundary and that harm would be further mitigated by the site's orientation and the width of the neighbour's garden. In addition the application is for a single storey extension, therefore, any overshadowing resulting from it is likely to occur mainly in the winter when the sun is lower in the sky and the garden is less well used.
32. For the same reasons it is considered that the proposed rear extension would not result in an unacceptable overbearing impact upon 52 Priory Road. The proposal is visible from the house and garden of this neighbour but due to the existence of the garage only the pitched roof of the extension is visible from the neighbour's ground floor windows.
33. Objections have been raised to the proposal on grounds that, amongst other things, the rear extension would intersect a 45 degree line taken from the living room window in the neighbouring property (52 Priory Road), contrary to the Rushcliffe Residential Design Guide. As set out in the Design Guide, the application of the "45 Degree" guide is relevant where a two storey or higher extension is being proposed or if there are significant changes in level. In this instance, the proposal is for a single storey extension. Furthermore, the garage to 52 Priory Road sits alongside the extension, largely screening the extension from this window, with the extension not extending beyond the rear wall of this structure, with the exception of the bay window.
34. A patio door and windows would be inserted into the side elevation of the existing garage within the application site, facing the site's boundary with 52 Priory Road across the garden to the applicant's property. The door/window would be located over 11m from the boundary, which is just over the minimum distance recommended between habitable room windows and rear boundaries outlined to protect privacy in the Rushcliffe Residential Design Guide.
35. The proposed side extension would be built up to the site's western boundary which is shared with the neighbouring house, 48 Priory Road. This neighbour has an existing two and single storey rear extension including patio doors in the rear elevation adjacent to the shared boundary. The proposed extension would project out slightly further than the rear elevation of the existing extension at No. 48 and join on to the existing garage within the application site. There are no habitable room windows in the adjacent side elevation of 48 Priory Road, yet the extension has been amended so that it is set back from this neighbour's ground floor kitchen windows. It is

considered that the low dual pitched roof would further reduce the proposal's impact on this neighbour and that there would not be an undue impact on their living conditions.

36. The hip to gable extension in the rear roof slope would not result in an increase in the eaves or ridge height of the existing property. The neighbouring property at No.52 has a projecting rear gable roof in its rear elevation. The neighbouring property 48 Priory Road has existing two storey rear extensions with dual pitched roofs and rear gables. Therefore, the proposed rear gable would be sympathetic to the design of the neighbouring properties. The bulk of the roof would be increased by the proposed hipped to gable extension but the proposal's impact on residential amenity would be mitigated by the property's south facing orientation.
37. The second floor window proposed in the extended rear gable elevation would be located 22m from the rear boundary of the site and almost 50m from the rear elevation of the neighbouring properties to the south, 53 and 53a Davies Road. These separation distances exceed the minimum recommended in the Rushcliffe Residential Design Guide. It is considered that the proposal would not lead to undue harm to the residential amenity of the neighbouring properties including overbearing impact, overshadowing, overlooking, loss of privacy, light or outlook.
38. The existing garage is not used as a parking space and appears too small to house a modern car. Existing off street parking spaces would be retained at the front and side of the house. The proposal would not lead to a significant loss of garden space, the area retained would exceed the 110m<sup>2</sup> minimum set out in the Rushcliffe Residential Design Guide. It is therefore considered that sufficient off street parking and private amenity would be retained.
39. The dormer extension proposed in the side elevation did not form part of the previously approved application. It would have a dual pitched roof and be constructed in materials to match the existing roof. It is considered that its proportions would ensure the dormer appears subservient to the existing house. There are no similar side dormer windows visible within the street yet the majority of properties within the street are detached and all vary slightly in appearance. It is therefore considered that, on balance, the dormer would be sympathetic to the character and appearance of the area and would not, as suggested in objections received, set an unwelcome precedent.
40. An obscure glazed opening is proposed in the dormer extension which would serve a stairwell. Given that it would be obscure glazed and serve circulation space it is not considered that the proposal would lead to undue harm to the residential amenity of the adjacent neighbour 48 Priory Road.
41. Concerns have been raised that the side elevation of the rear extension adjacent to the boundary with 52 Priory Road is constructed in block work rather than facing bricks. This elevation is located approximately 100mm from the side elevation of the neighbour's adjacent garage and so would not be unduly visible. If the garage is removed at a future date this elevation would become visible from the house and rear garden of 52 Priory Road. However, it is considered that it could be suitably screened by any boundary treatment.



42. A raised patio has been constructed at the rear of the property the bulk of which is located between the converted garage and the proposed rear extension. It would be screened from the neighbour to the west 48 Priory Road by the outbuilding located adjacent to the shared boundary. The patio projects out 1.7m from the rear elevation of the proposed rear extension, 1m from the bay window. The proposed privacy screen would mitigate harm in terms of potential overlooking and loss of privacy to the neighbouring property to the east 52 Priory Road. Furthermore the use of this area of the patio would be restricted at this point by its narrow width and the inclusion of the projecting bay window.
43. Whilst the existing guttering overhangs the boundary the revised drawings show the inclusion of a box gutter which would be set in from the shared boundary and would ensure any runoff from the roof of the extension would be directed away from the neighbouring property.
44. In conclusion it is considered that the proposed extensions and alterations would be sympathetic to the character and appearance of the existing property, the neighbouring properties and the surrounding area, and would not lead to undue harm to the residential amenity of the adjacent neighbours. Therefore, the proposal would be in accordance with policy 10 (Design and Enhancing the Local Environment) of the Rushcliffe Local Plan Part 1: Core Strategy, policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan, as well as the Rushcliffe Residential Design Guide, and there are no material considerations which outweigh these policies.
45. Advice was sought prior to the submission of the application. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and to address concerns and objections raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a recommendation to grant planning permission.

## **RECOMMENDATION**

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

1. The development hereby permitted shall be carried out in accordance with the revised site location plan received on May 2018 and drawing ref. 2016-20/002 REVISION 120418 received on 12 April 2018.  
  
[For the avoidance of doubt and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]
2. The extensions hereby permitted shall be constructed in suitable facing and roofing materials to match the elevations of the existing property with the exception of the east elevation of the single storey rear extension which has been constructed in blockwork.

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.]

3. The privacy screen shown on the approved plans shall be installed within 28 days of the date of this decision notice and thereafter shall be retained for the lifetime of the development.

[To prevent overlooking and loss of privacy to neighbouring property and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

4. The box gutter shown on the approved plans shall be installed within 3 months of the date of this decision notice and thereafter shall be retained for the lifetime of the development.

[For the avoidance of doubt and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

### **Notes to Applicant**

You are advised that your property falls within an area identified to be at risk of flooding in the Environment Agency's Flood Risk Maps. It is therefore recommended that the design and construction of the extension incorporates advice with regard to flood resilience and resistance techniques which is available to view on the Environment Agency's website.