

21/02569/FUL

Applicant Mr and Mrs Adcock

Location 2 Cherry Street, Bingham

Proposal Proposed two storey side and rear extensions, single storey rear extension. Loft conversion. Part demolition of front boundary wall for new wider driveway and drop kerb

Ward Bingham East

THE SITE AND SURROUNDINGS

1. The application site comprises of a two-storey semi-detached property, located to the western side of Cherry Street within the town of Bingham. The built form to Cherry Street is residential in character, with a mix of architectural styles and periods. The application site is located within Bingham Conservation Area (first designated in 1970 and reviewed and extended on 8th June 2010).
2. The property dates to the early-20th century and is constructed from brick with a rendered finish and has a rosemary clay tiled roof. To the rear (west) elevation of the property is a single storey pitched roof addition, which abuts a garage. The garage located to the side (north) of the property is a single bay with a pitched roof and occupies a setback position from the frontage of the property. It is accessed via the existing driveway seen to the side (north) of the site.
3. To the front of the property is soft landscaping and hardstanding, with a brick boundary wall seen abutting the highway. To the rear is a modest garden, which is bound by a mix of boundary treatments such as timber fencing, hedging, and low brick walls with timber fencing. A long section of brick wall can be seen to the application site's northern boundary, which abuts a private road that leads to the rear of The Chesterfield Arms.
4. Located adjacent (south) to the application site is the adjoining property, 4 Cherry Street, to the rear (west) is a car park, and to the side (north) is a private side road, along with the rear gardens of 8, 10, 12, and 14 Church Street.

DETAILS OF THE PROPOSAL

5. The application seeks planning permission for the erection of a two-storey side and rear extension, single storey rear extension, loft conversion, and part demolition of the front boundary wall for a new wider driveway and dropped kerb. A separate relevant demolition application has been submitted for the part demolition of the front boundary wall (21/02882/RELDEM) which can be considered separately to this application. It has been approved.
6. Revised plans were received during the course of the application, which illustrate setting the side two-storey extension back by 1m from the frontage of

the property, setting it down from the original ridge height of the property by 4.60m, adopting a hipped roof form, limiting openings to the side (north) elevation, and reducing the scale and mass of the rear dormer, whilst also adopting a half rendered and brick finish to the side (south) elevation of the single storey rear extension.

7. The proposed extensions would provide additional accommodation to the ground floor, first floor, and loft space. To the ground floor a single bay garage, utility room, open-plan kitchen, dining, and family room is proposed. The first floor currently has three bedrooms and a bathroom. It is proposed to reconfigure the layout of the first floor with the extension providing two further bedrooms, a family bathroom, and ensuite. The loft is also to be converted into a master bedroom with ensuite, and dressing and storage areas. The existing three-bedroom property will increase to five bedrooms. It is noted that the proposed study to the first floor could also be used as an additional bedroom.

SITE HISTORY

8. Permission granted for part demolition of the front boundary wall, ref. 21/02882/RELDDEM

REPRESENTATIONS

Ward Councillor(s)

9. One ward councillor (Cllr G Williams) objects for the reasons of overbearing, overshadowing, and overlooking.

Town/Parish Council

10. Bingham Town Council objects and supports the concerns of the residents of Church Street of the overbearing, overshadowing and overlooking impact of the development.

Statutory and Other Consultees

11. The case officer is conservation accredited, being a full member of the Institute of Historic Building Conservation (IHBC). Therefore, heritage considerations have been fully incorporated into this report.

Local Residents and the General Public

12. Representations from three properties (including a letter from a planning consultant acting on behalf of 8 and 10 Church Street) have been received relating to the original and revised plans. Two neighbours raise a joint objection, and one neighbour expresses support with clarification comments. The comments are summarised as follows:-
 - a. the extension's size, scale, and design will have a detrimental overbearing impact, overshadowing, loss of direct sun light, and overlooking impacts upon the residential amenity. Reference has been made to these impacts on the outdoor amenity areas to the rear gardens of 8 and 10 Church Street.

- b. the design of the extensions would be ‘chaotic and unsympathetic’ and would not preserve or enhance the character or appearance of the street scene or the wider Conservation Area.
- c. the proposal represents a very poor design and overdevelopment of the site
- d. the adjoining neighbour states that they support the application; however, clarification was sought regarding the facing material to the side (south) elevation of the single storey extension, alterations and finishes to the boundary hedging along the southern boundary, and obscure glazing to the side (south) elevation of the two-storey extension facing the neighbour’s rear garden.

PLANNING POLICY

- 13. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. 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. When considering a planning application that affects a conservation area, the local planning authority (LPA) must pay special attention to the desirability of preserving or enhancing the character or appearance of that area under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 15. Other material considerations include, the National Planning Policy Framework (NPPF) (as amended), the National Planning Practice Guidance (the Guidance) and the Rushcliffe Residential Design Guide (2009).

Relevant National Planning Policies and Guidance

- 16. The following sections in the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG) are of relevance:
 - Chapter 2 – Achieving Sustainable Development
 - Chapter 12 – Achieving Well Designed Places
 - Chapter 16 – Conserving and enhancing the historic environment

 - PPG, Reference ID 18a – Historic Environment
 - PPG, Reference ID 26 – Design: process and tools
- 17. The NPPF carries a presumption in favour of sustainable development. Paragraph 11 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Paragraph 126 of the NPPF (2021) acknowledges that good design is a key aspect of sustainable development and Paragraph 130 sets out that planning decisions should, for instance, ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Developments should also be visually attractive as a result of good architecture, layout and landscaping and be sympathetic to local character and history, whilst also maintaining a strong

sense of place. Paragraph 134 of the NPPF states that permission should be refused for development of poor design that fails to reflect local design policies and government guidance on design.

18. The NPPF also comments that local planning authorities should take into account the significance of any heritage assets affected by a proposal when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (paragraph 195). When considering potential impacts of a proposed development on the significance of a designated heritage asset paragraph 199 directs that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 206 highlights that local planning authorities should look for opportunities for new development within Conservations Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Relevant Local Planning Policies and Guidance

19. The following policies within LPP1 are of relevance:

Policy 1 – Presumption in Favour of Sustainable Development
Policy 10 – Design and Enhancing Local Identity
Policy 11 – Historic Environment

20. The following policies of LPP2 are of relevance:

Policy 1 – Development Requirements
Policy 28 – Conserving and Enhancing Heritage Assets

21. The overarching Policy 1 in the LPP1 reinforces that the Council will take a positive and proactive approach to decision making, which reflects the presumption in favour of sustainable development contained in the NPPF.
22. LPP1 Policy 10 comments that all new development should be designed to make a positive contribution to the public realm and sense of place and should also reinforce valued local characteristics. It identifies that development will be assessed in terms of its treatment of various elements, such as massing, scale, proportions, materials, architectural style and detailing. This is also reinforced under the development requirements criteria outlined in the LPP2 Policy 1, Paragraph 4, which highlights that development should be of a scale, density, height, massing, design, layout and materials sympathetic to the character and appearance of the neighbouring buildings and the surrounding area.
23. Policy 11 of the LPP1 reflects the Council's statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in commenting that proposals will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance. Planning decisions will have regard to the

contribution heritage assets can make to the delivery of wider social, cultural, economic and environmental objectives, in line with Chapter 2, Paragraph 8 of the NPPF.

24. Policy 28 of the LPP2 comments that proposals which affect heritage assets will be required to demonstrate an understanding of the significance of the assets and their settings, identify the impact of the development upon them and provide a clear justification for the development in order that a decision can be made as to whether the merits of the proposals for the site bring public benefits which decisively outweigh any harm arising from the proposals. It refers to proposals affecting a heritage asset and/or its setting will be considered against set criteria. This policy overlaps with Chapter 16 of the NPPF.
25. Relevant supplementary planning document includes the Rushcliffe Residential Design Guide (2009). The guide sets out design principles and approaches to ensure the delivery of appropriately designed residential development across the borough. It provides guidance on the style and design of an extension, stating it should respect that of the original dwelling and should not dominate over it. Extensions should be designed so that they are not readily perceived as merely 'add-ons' to the original building and, therefore, the scale, proportion, and roof form, are important considerations.
26. The Bingham Conservation Area and Management Plan (2010) outlines the special qualities of the Conservation Area and provides a strategy to safeguard and enhance its character and appearance. Section 4.0 of the Management Plan refers to development in conservation areas and highlights that extensions to buildings should respect the key characteristics of the original building including scale, mass, materials and proportions, and the contextual setting and character of the Conservation Area.

Other Relevant Guidance

27. Historic England Good Practice Advice note 2 (GPA2) *Managing Significance in Decision-Taking in the Historic Environment* (2015) advises how local planning authorities should determine applications in the historic environment, informing on good practice to assist in implementing national historic environment policy.

APPRAISAL

28. The main considerations in the determination of this application relate to the design of the proposed extensions and their impact upon the character and appearance of the street scene and the wider Bingham Conservation Area, whilst also taking into account impacts on surrounding residential amenity and any highways safety implications
29. The host property is located towards the northern end of Cherry Street and forms part of a grouping of early-20th century semi-detached properties, adopting a ribbon-style development pattern to the western side of the highway. The property occupies an elevated position relative to the highway, and due to its siting close to the highway and the orientation of the surrounding built form, the property's side (north) elevation is visible from the public realm. There is a mix of architectural styles and periods to the built form along Cherry

Street, and it is considered that due to the design and age of the host property that it has a neutral contribution to the character and appearance of the Conservation Area.

30. The proposed two-storey extension would replace the existing single storey garage and workshop located to the side (north), whilst also replacing the existing utility and part of the kitchen located to the rear (west) of the host property. The two-storey side extension would have a ridge height of 8.425m, a length of 11.957, with a front width of 2.925m and a rear width of 6.860m. The rear mono-pitched single storey extension would sit under the first-floor window and would measure 3.600m in width with a length of 3.000m. The dormer window to the rear would be set down from the ridge height of the original roof by approximately 0.686m and 0.203m from the ridge height of the new section of roof to the side extension. The side extension would be set back from the front elevation of the host property by 1m and would be set down from the existing ridge height by 0.460m. It would also be set back from the site's northern boundary by approximately 0.8m. The single storey extension will be built on the southern boundary line with neighbouring property, 4 Cherry Street.
31. A garage door is proposed to the front with a casement window to the first floor. Two rooflights would be installed to the front roof slope of the existing roof, with one installed to the front roof slope of the new side extension. A door is proposed to the ground floor of the side (north) elevation of the two-storey extension, along with two casement windows to the first floor, and a rooflight to the side (north) roof slope. The door and casement windows are to be obscure glazed. To the rear (west) elevation of the two-storey extension are bi-folding doors to the ground floor and two casement windows to the first floor, with one rooflight to the side (south) roof slope of the extension. There would be bi-fold doors and two rooflights to the rear (west) elevation of the single-storey extension.
32. Facing materials include brick and render to reflect the existing. To the side (north) elevation of the two-storey side extension will be a mix of render and brick, with a 215mm brick detail, projecting 25mm as a render stop. To the side (south) elevation of the single storey extension will be brick and render.
33. During the application, revised plans were submitted. It is considered that the revisions made to the two-storey side extension have helped the extension adopt a sympathetic design and a more subservient appearance to the host property. This will avoid the proposed works having a negative impact on the visual amenity and character of the area. The revisions would also assist in improving its visual relationship with the neighbouring properties and the character and appearance of the street scene. Whilst the proposed side extension has an increased length, its revised positioning, reduced height, and hipped roof form reduces the extension's visual bulk and massing and would be similar to the two-storey side extension recently approved to neighbouring property, 8 Cherry Street in 2019 (18/02494/FUL), when viewed from the street scene.
34. The single storey rear extension would be obscured from public views by the host property. It would be of a scale, design, and siting that would be subordinate and subservient to the host property. Its revised finish to the side

(south) elevation will also help to integrate with the character and finish of the host property and that of adjoining property, 4 Cherry Street.

35. The potential for the over development of the site has been raised by the neighbours. When viewing the existing built form to the rear of the site, the proposed extensions would have a reduced projection into the rear garden, increasing the private amenity space to the rear. When viewed from the street scene, the width of the extension would be smaller than the width of the existing garage, which measures 3.025m, and the side extension would be set in from the northern boundary. The proposed side extension would be located further forward than the position of the existing garage. Nevertheless, the increased driveway and proposed garage space will provide adequate off-street parking provision for a 5-bedroom house. As a result, the proposed extensions are not considered to constitute overdevelopment of the plot.
36. It is proposed to remove a section of the front boundary wall. The agent has confirmed that 1.5-2m of the mature planting behind the proposed removed section of wall will be taken down and that no other hedges or trees to the frontage will be removed or pruned.
37. The condition of the front boundary wall has suffered spalling brickwork affecting its elevations and coping. The wall is proposed to be reduced by 2.390m to widen the existing vehicular access off Cherry Street, with repair works carried out, such as repointing. New permeable block paving is proposed to replace the current hardstanding to the front driveway. It is also considered that the widening of the driveway will not result in any undue highway safety considerations.
38. The existing boundary treatment and mature planting to the frontage of the property positively contributes to the street scene, adding to the public realm to this part of Bingham Conservation Area. Historic and recent alterations have been carried out to the historic boundary wall, which has changed its character and appearance. Under the proposal, sufficient length will remain to the front wall to 2 Cherry Street, which will ensure its presence along the street scene, and a level of mature planting will also remain providing softness to the frontage. Therefore, on balance, it is considered that the character and quality of the street scene will be maintained, and this element of the proposal is not considered to cause harm to the character or appearance of this part of Bingham Conservation Area. As such planning permission has been granted for relevant demolition (21/02882/RELDEM). It is also noted that 8 Cherry Street has recently gained planning permission to remove a section of the front boundary wall to create a wider vehicular access (20/01057/FUL and 20/01085/RELDEM).
39. Due to the layout and orientation of the built form towards the northern end of Cherry Street, the application site's side (north) elevation faces a private road and rear gardens to neighbouring properties (8, 10, 12, and 14 Church Street). There are changes in levels with the application site occupying an elevated position, which is seen from Cherry Street and when viewed from the private side road to the north. There would be a separation distance of over 2.5m from the application site's northern boundary to the southern boundaries of these properties due to the presence of the intervening private road. Further, there is an appropriate separation distance from opposite neighbours located to the eastern side of Cherry Street due to the intervening road.

40. The proposed two-storey side extension would replace the existing side and rear single-storey built form to 2 Cherry Street. The rear view from neighbouring gardens along Church Street, such as Nos 8 and 10, will change by the increased height and mass of the two-storey side extension. However, due to the existing elevated position of the application site, the south-facing nature of the neighbouring gardens, and when taking into account the orientation of the sun, there is likely to be some impacts on areas of the gardens which are located furthest away from the neighbours' properties. Therefore, when taking into account the existing built form to the application site and the separation distance due to the presence of the private side road, the proposed side extension's scale and siting is not considered to result in unacceptable levels of overbearing, overshadowing, or loss of light to neighbouring amenities along Church Street to justify a refusal of planning permission. Further, due to obscured openings proposed to the side (north) elevation, it is not considered that there would be any undue overlooking or an unacceptable loss of privacy to neighbours located to the north of the application site.
41. When considering the impact of the extensions, including the rear dormer, on adjoining neighbour at 4 Cherry Street, the scale, design, form, mass, and siting, of the proposal would avoid causing any undue overshadowing, loss of light, overbearing, or loss of privacy to their amenity. Clarification has been provided by the agent regarding the treatment of the side southern boundary to the rear which indicates that the three existing fence panels and approximately 3-3.5m of hedging is to be removed to allow for the extension and scaffolding access. It is proposed to retain the existing hedging along the southern boundary and any resultant gap between the hedge and the new extension on the boundary will be infilled with a new section of fencing measuring 6ft, along with landscaping reinstated to both sides.
42. It is therefore considered that the proposed extensions would not be significantly harmful to the living conditions of the occupiers of 4 Cherry Street or 8, 10, 12, and 14 Church Street, nor would it be harmful to the character or appearance of the host property or street scene. It is also considered that the proposed alterations to the front boundary treatment would avoid negatively impacting on the character and quality of the street scene. Overall, the proposal is not seen to cause harm to the significance of Bingham Conservation Area and preserves its character and appearance. The Local Planning Authority has paid special attention to the desirability of preserving the Conservation Area's character and appearance, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the proposal is, therefore, considered positively in relation to the statutory duty under this section of the Act.
43. The proposal is not considered to conflict with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies 1, 4, 10, and 11 of the Local Plan Part 1 - Core Strategy, Policies 1, 21, and 28 of the Local Plan Part 2 - Land and Planning Policies and the Council's SPD Design Guide, along with Chapters 2, 12, 13, and 16 of the NPPF. Therefore, the application is recommended for approval, subject to conditions
44. The application was not the subject of pre-application discussions; however, negotiations have taken place during the application to address issues of

design, which has led to the submission of revised plans and a favourable recommendation to the Planning Committee.

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.

In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted must be carried out strictly in accordance with the following approved plans:

- Site and Location Plan, drawing no. 08A, received 8th October 2021
- Proposed Elevations, drawing no. 07A, received 8th October 2021
- Proposed Ground Floor Plans, drawing no. 04A, received 8th October 2021
- Proposed First Floor Plans, drawing no.05A, received 8th October 2021
- Proposed Second Floor Plans, drawing no. 06A, received 8th October 2021
- Proposed Wider Drive Access, drawing no. 09A, received 8th October 2021

For the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

3. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application.

To ensure the development preserves the character and appearance of the Conservation Area and to ensure the appearance of the development is satisfactory having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) and Policy 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

4. Prior to the room they serve first being brought into use the first floor windows on the north side elevation of the development and the window within the north side roof slope of the two storey extension hereby permitted shall be fitted with glass which has been rendered permanently obscured to Group 5 level of privacy (or equivalent). The windows shall be non-opening except for high level top hung lights only in the bathroom and ensuite. Thereafter those 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:

This grant of planning permission does not alter the private legal situation about the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act and the necessary measures to be taken.

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 development makes it necessary to extend a vehicular crossing over a footway of the public highway. These works shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 to arrange for these works to take place.