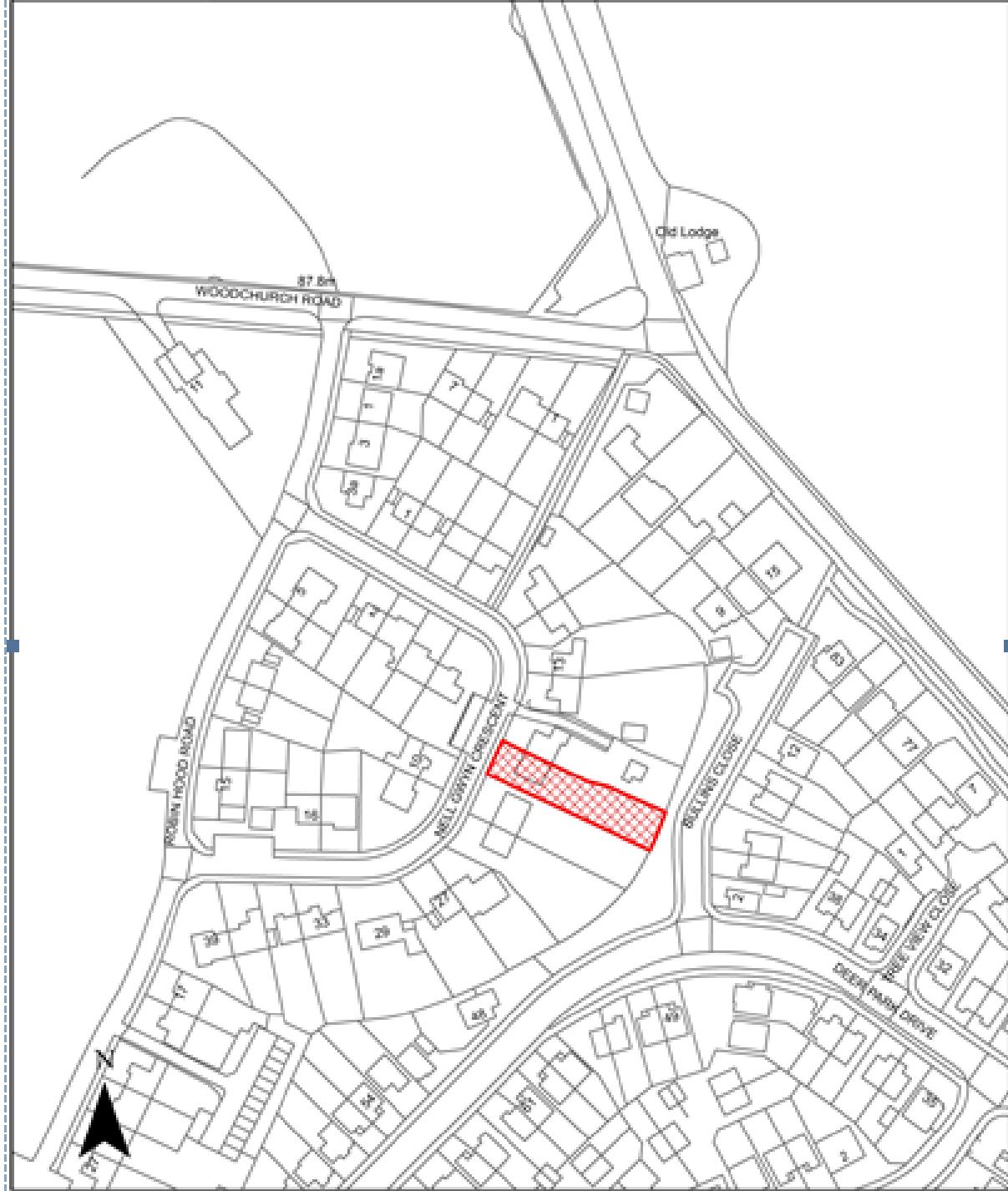


Application Number: 2016/1106
19 Nell Gwyn Crescent Bestwood Nottinghamshire NG5 8NQ

Location:



NOTE:

This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Report to Planning Committee

Application Number: 2016/1106

Location: 19 Nell Gwyn Crescent Bestwood Nottinghamshire NG5 8NQ

Proposal: Proposed new single family dwelling

Applicant: Mr & Mrs Mark Thompson

Agent: Mr Colin Dicken

Case Officer: Christina Dinescu

Background

This application is being referred to the Planning Committee due to part of the application site being in the ownership/control of the Borough Council.

Site Description

No.19 Nell Gwyn Crescent is a two-storey semi-detached dwelling with a long rear garden adjoining Bullins Close. The site is within the built up area of Bestwood.

The application site comprises of the end of the rear garden adjoins which adjoins an area of incidental open space on Bullins Close and Deer Park Drive. The open space is an area of land which is grassed and contains several trees.

Adjoining properties comprise semi-detached two-storey properties at no's 17 and 21 Nell Gwyn Crescent.

Bullins Close is characterised by semi-detached two-storey dwellings with dual pitched roofs set back from the highway boundary and with landscaped front gardens featuring driveways.

Relevant Planning History

88/0853 – Planning Permission was granted for an extension to the dwelling.

Proposed Development

Planning Permission is sought for the construction of a two bedroom, two-storey detached dwelling with an integral single garage in the rear garden of the existing dwelling. The proposed dwelling would be accessed from Bullins Close over an area of incidental public open space owned by Gedling Borough Council.

The proposed dwelling would have maximum footprint dimensions of 12.25m in depth x 10.11m in width which includes a single storey front projection forming a single garage with side access. The front wall of the garage would be set on the boundary with the open space.

The dwelling would consist of a single storey element and a two-storey element. The single storey element would measure 1.75m and 2.4m at eaves height and 4.74m at ridge height from ground level. The two storey element would measure 5.08m at eaves height and 7.13m at ridge height.

The proposed design incorporates dual pitched roof with front, side and rear facing gables.

Windows are proposed on all elevations at ground floor and on the front and rear elevations at first floor.

Consultations

The Highways Authority – No highway concerns subject to conditions.

Bestwood St Albans Parish Council – Objects to the development as it would constitute precedent for similar developments, it would result in loss of privacy in the bedrooms of the houses opposite, loss of tranquillity and safe playing space used by local children and the access point would be dangerous for locals due to construction traffic and afterwards by cars emerging from the new build on a bend.

Parks and Street Care – Comments to be reported verbally.

Estates Surveyor – The Council, subject to approval, may be willing to sell land in connection with development at 19 Nell Gwyn Crescent but this would only be provided that planning permission had already been granted and that it complied in respect of the covenants that are on the land.

Adjoining Neighbours have been notified and a Site Notice was posted and 5 letters of representation were received as a result. The concerns raised can be outlined as follows:

- The construction would totally dominate Bullins Close and some lower properties on Nell Gwyn Crescent;
- The new construction would require land owned by Gedling Borough Council and part of no.21 Nell Gwyn Crescent;
- A 1.8m high wooden fence would partially surround the car parking;
- Objection against the sale of the land owned by Gedling Borough Council;
- There is a stipulation on Bullins Close regarding no erection of front fences and no parking of caravans at properties;
- The site notice was posted on the lamp post, away from the location of the development and none of the residents on Bullins Close were aware of the proposed development;
- Loss of green space where children play;
- It would result in more traffic on an already dangerous bend;
- The proposed house would affect the value of properties on Bullins Close;
- More on-street parking;
- Increased overlooking onto adjacent properties.

Planning Considerations

The main planning considerations in the determination of this application are the principle of the development, impact on character of the area, any undue impacts on the amenity of neighbouring properties, any highway safety implications and off-street parking provision.

At national level the National Planning Policy Framework (March 2012) chapters 6 and 7 are relevant in considering this application: -

- 6. Delivering a wide choice of high quality homes (paragraphs 47 – 55)
- 7. Requiring good design (paragraphs 56 – 68)

Gedling Borough Council at its meeting on 10th September approved the Aligned Core Strategy (ACS) for Gedling Borough (September 2014) which is now part of the development plan for the area. The following policies are relevant: -

- Policy 8 - Housing size, mix and choice; and
- Policy 10 - Design and Enhancing Local Identity.

Appendix E of the ACS refers to the Saved Policies from Adopted Local Plans. The following policies contained within the Gedling Borough Council Replacement Local Plan (Certain Policies Saved) 2014 are relevant: -

- ENV1 (Development Criteria);
- H7 (Residential Development on Unidentified Sites within the Urban Area and Defined Village Envelopes).

The Government attaches great importance to the design of the built environment. Section 7 of NPPF states inter alia that good design is a key aspect of sustainable development and that it should contribute positively to making places better for people. Developments should function well and add to the overall quality of the area, respond to local character and history, reflecting the identity of local surroundings and materials and be visually attractive as a result of good architecture and appropriate landscaping.

Policy 10 – 1 of the ACS states inter-alia that development should be designed to:

- a) make a positive contribution to the public realm and the sense of place;
- b) create attractive, safe, inclusive and healthy environment;
- c) reinforce valued local characteristics;
- d) be adaptable to meet changing needs of occupiers and the effects of climate change; and
- e) reflect the need to reduce the dominance of motor vehicles.

Policy 10 – 2 of the ACS sets out the criteria that development will be assessed including: - plot sizes, orientation, positioning, massing, scale, and proportion. Criterion f) of the ACS refers to the impact on the amenity of nearby residents.

Criterion a., c. and d. of Policy ENV1 of the Replacement Local Plan are also relevant in this instance. These state that planning permission will be granted for development provided it is in accordance with other Local Plan policies and that proposals are, amongst other things, of a high standard of design which have regard to the appearance of the area and do not adversely affect the area by reason of their scale, bulk, form, layout or materials. Development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and incorporate crime prevention measures in the design and layout.

Design and layout are also considered in criterion a. and b. of Policy H7 of the Replacement Local Plan. These policies state inter alia that permission will be granted for residential development, including conversions and the change of use of buildings to residential use within the urban area and the defined village envelopes provided it is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials and that it would not result in the loss of buildings or other features including open space which make an important contribution to the appearance of the area.

In respect to car parking, regards should be had to the Borough Council's Supplementary

Planning Document 'Parking Provision for Residential Developments' (May 2012).

The Principle of the Development

The site is located within the established built up area of Bestwood. The proposal is for the erection of a new dwelling in the rear garden of an existing dwelling.

I note that one of the core planning principles of the NPPF is to encourage the effective use of land that has been previously developed (brownfield land), provided it is not of high environmental value.

The NPPF's definition of brown field land is 'previously developed land that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface or surface infrastructure.' This excludes 'land in built-up areas such as private residential gardens.' This advice is reflected in the ACS Policy 10 – 3.10.4 which goes on to state:

'Although now considered to be greenfield sites, gardens can provide sustainable locations for new homes, and reduce the need to develop land within Green Belt and or the country side. However, it can also change the characteristics of areas, and may damage biodiversity. In accordance with this policy and the NPPF, subsequent Local Development Documents may seek to restrict development to avoid areas of special character and to protect the amenity value of private gardens.'

There have been changes in guidance in relation to the definition of garden land, which is no longer considered to be brownfield land. Whilst I note the change in definition, I do not consider that paragraph 3.10.4 of the ACS precludes development on such sites. The key aspects that need to be considered are whether the proposed development would be in a sustainable location, would adversely affect the characteristics of the area or damage biodiversity. I do not consider that biodiversity is an issue in this instance. Whilst I note the location of the proposed development is in a built up area and therefore in a sustainable location, I also note this part of Bullins Close and Deer Park Drive is characterised by the presence of incidental open space, which in my opinion represents an important amenity feature adding to the characteristics of the area. I note the proposed dwelling would front Bullins Close and would have vehicular and pedestrian access from Bullins Close over the incidental open space land. I also note the frontage along this strip of open space is characterised by the rear boundaries of properties on Nell Gwyn Crescent, lawn and trees. As such I am of the opinion the principle of a new dwelling in the rear garden area of 19. Nell Gwyn Crescent would not be acceptable in this location as it would adversely affect the characteristics of the area, thus not being in accordance with Policy 10 of the ACS.

Impact on the Character of the Area

I note the design of the proposed dwelling incorporates dual pitched roof with gables, it would be set on the boundary with the incidental open space, and access would be provided over part of the open space land that adjoins the rear garden of no.19 Nell Gwyn Crescent. Given the size and design of the proposed dwelling I am satisfied the proposal would be in keeping scale and design with the surrounding area. However, the proposal would result in a new frontage on Bullins Close, therefore an opening, where the characteristic of this part of Bullins Close is defined by the fence line of rear boundaries of properties on Nell Gwyn Crescent abutting an incidental open space. I note the open space is not a Protected Open Space as indicated on the Proposals Map of the Gedling Borough Replacement Plan, however I am of the opinion the open space represents an important amenity feature which helps define the individual characteristics of the area. It is therefore my opinion that the loss of part of the incidental open space in this location would significantly affect the character of

the area to its detriment, therefore, in my opinion, the proposal for a new dwelling on this side of Bullins Close would result in the loss of an important amenity feature that helps define the characteristics of the area and would result in an incongruous feature within the existing streetscene.

I note that the proposed built form of the integral garage would be sited in line with the existing rear garden boundaries of adjacent dwellings, against the back edge of the incidental open space. I also note that existing properties in the area are all set back from the highway edge with significant front garden areas and driveways. It is my opinion given that the proposed built form of the dwelling is set in line with existing rear boundaries of neighbouring dwellings then the resulting development would appear overly dominant on this side of Bullins Close resulting in a cramped appearance out of character with existing pattern of development in the area.

In my opinion the proposal would not be in accordance with Saved Policy H7 (Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes) of the Gedling Borough Replacement Local Plan.

Residential Amenity

I note the proposal is for a two-storey dwelling with single storey extensions. Whilst I note a window would serve a bathroom at first floor on the rear elevation I am satisfied the window could be conditioned to be obscurely glazed and top opening only to prevent an overlooking impact on to the host dwelling and adjacent properties.

I note the proposed depth of the rear garden of the proposed dwelling would measure approximately 6.6m, however, given the proposed design and separation distances I am satisfied the proposed dwelling would not result in an undue overbearing and overshadowing impact on the amenity of adjacent properties nor on the host dwelling.

Highway Safety and Parking Provision

I note that the submitted plans show the proposed dwelling to have provision for a single garage and a hardstanding area in front of the garage for a second vehicle to be parked off-street. The Borough Council's SPD on Residential Car Parking requires new dwellings with 2 bedrooms in built up areas to have provision for 1 off-street car parking space, therefore, I am of the opinion the proposal would comply with the requirements of paragraph 4.2 of the SPD.

I am mindful that the Highway Authority have raised no objection to the proposal subject to conditions, I therefore consider there would be no highway safety implications arising from the proposal.

Other Issues

I note the comments received from the Estates Surveyor and the concerns raised by residents, however, given that the transfer of ownership is not a planning matter that would warrant a refusal of this application, I am satisfied that all the planning considerations affecting this development have been fully addressed.

I note the comments in relation to the site notice not being posted close to the application site on Bullins Close, however, I am satisfied, that the application has been correctly advertised in accordance with the Town and Country Planning (Development Management Order) 2015.

Conclusion

Having regard to the above considerations I am of the opinion that the proposal is not in accordance with Policy 10 (Design and Enhancing Local Identity) of the Aligned Core Strategy 2014 and Saved Policy H7 (Residential Development on Unidentified Sites Within the Urban area and Defined Village Envelopes) of the Gedling Borough Replacement Local Plan and advice contained within the National Planning Policy Framework 2012. The proposal would result in a detrimental impact on the character of the area as a result of the partial loss of incidental open space which represents an important amenity feature of the area, resulting in an incongruous feature in the streetscene. The proposed development due to its siting adjacent to the back edge of an important area of incidental open space would appear cramped and dominant in its location and out of character with the existing pattern of development in the area.

Accordingly I recommend that planning permission be refused.

Recommendation:

To Refuse Planning Permission.

1. In the opinion of the Borough Council the proposed new dwelling in the rear garden of no.19 Nell Gwyn Crescent would result in an incongruous feature within the streetscene resulting in a significant adverse impact on the character of the area by virtue of the impact on an important incidental open space which provides an amenity area for local residents. The proposed development, by virtue of its siting close to the back edge of an existing incidental open space, would result in an overly dominant feature that would appear cramped and dominant in its location and out of character with the pattern of development in the area. The proposal would therefore be contrary to Policy 10 (Design and Enhancing Local Identity) of the Aligned Core Strategy (September 2014), Saved Policy H7 of the Gedling Borough Replacement Local Plan (2014) and the advice contained within the NPPF.